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PUBLICATION FUND.



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FOR THE YEAR
1873.

PUBLICATION FUND SERIES.

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THE LEE PAPERS.

VOL. III.

1778-1782.

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PROCEEDINGS
OF A
GENERAL COURT MARTIAL,
HELD AT BRUNSWICK,
IN THE STATE OF NEW-JERSEY,
BY ORDER OF
HIS EXCELLENCY
GENERAL WASHINGTON,
COMMANDER IN CHIEF
OF THE ARMY OF
THE UNITED STATES OF AMERICA,
FOR THE TRIAL OF
MAJOR GENERAL LEE.

JULY 4th, 1778.

Major General Lord Stirling, Prefident.

PHILADELPHIA:

PRINTED BY JOHN DUNLAP, IN MARKET-STREET.

MDCCLXXVIII.

PROCEEDINGS
OF A
GENERAL COURT MARTIAL, &c.

MAJOR-GENERAL LORD STIRLING, PRESIDENT.

BRIGADIER-GENERAL SMALLWOOD,	MEMBERS.	COLONEL SWIFT,
BRIGADIER-GENERAL POOR,		COLONEL WIGGLESWORTH,
BRIGADIER-GENERAL WOODFORD,		COLONEL ANGEL,
BRIGADIER-GENERAL HUNTINGDON,		COLONEL CLARKE,
COLONEL IRVINE,		COLONEL WILLIAMS,
COLONEL SHEPHARD,		COLONEL FEBIGER,

JOHN LAURANCE [Lawrence], *Judge Advocate*.

THE Judge Advocate produces the General's Orders for the Court to set, which being read, are as follow :

Head-Quarters, Spotswood, July 1, 1778.

A GENERAL Court Martial, whereof Lord Stirling is appointed President, will set in Brunswick to-morrow, (the hour and place to be appointed by the President,) for the trial of Major-General Lee. Brigadier-Generals Smallwood, Poor, Woodford, and Huntingdon, and Colonels Grayson, Johnson, Wigglesworth, Febiger, Swift, Angel, Clarke, and Williams, are to attend as Members.

Head-Quarters, Brunswick, July 2, 1778.

THE General Court Martial ordered to set this day for the trial of Major-General Lee, will set to-morrow at eight o'clock, at the house of Mr. Voorhees, in the town of New-Brunswick. Members the same as yesterday, except Colonel Shephard *vice* Colonel Johnson.

THE LEE PAPERS.

Head-Quarters, July 3, 1778.

THE General Court Martial, whereof Major-General Lord Stirling is President, will assemble to-morrow morning, at the time and place mentioned in yesterday's orders. Members the same as heretofore mentioned, except Colonel Irvine *vice* Colonel Grayson.

JULY 4th.

The President, Members, and Judge Advocate being sworn: The Judge Advocate prosecuting in the name of the United States of America, the Court proceed to the trial of Major-General Lee, who appears before the Court, and the following charges are exhibited against him:

First: For disobedience of orders, in not attacking the enemy on the 28th of June, agreeable to repeated instructions.

Secondly: For misbehaviour before the enemy on the same day, by making an *unnecessary, disorderly, and shameful retreat*.

Thirdly: For disrespect to the Commander-in-Chief, in two letters dated the 1st of July and the 28th of June.

MAJOR-GENERAL LEE pleads NOT GUILTY.

BRIGADIER-GENERAL SCOTT being sworn:

Q. Did you hear General Washington give General Lee any orders the 27th of June?

A. I was sent for to Head Quarters early in the afternoon of the 27th of June. I heard General Washington say in presence of General Lee, the Marquis de la Fayette, General Maxwell, and myself, that he intended to have the enemy attacked the next morning, or words to that effect, by the troops under the command of General Lee; and he desired General Lee to call the general officers together that afternoon to concert some mode of attack. General Lee appointed the time at half-past five, but before the officers met General Lee had rode out. I fell in with General Lee that evening, and told

him that I had waited on him, and asked him if he had any orders? General Lee said he had none, but said we should not be disputing about rank or what part of the line we should march in.

Q. Did you hear General Washington, on the 27th of June, positively order General Lee to attack the enemy the next morning?

A. I cannot say that it was a positive order, but it did not admit of a doubt with me, but that he meant that General Lee should attack the enemy the next morning.

General Lee's question. Did you conceive General Washington's orders, or the spirit of them, were to attack the enemy at all events, whatever might be their situation or their force, whether, for instance, it consisted of such a body as General Washington's intelligence announced, that is, of a slight covering party, or whether of the greater part of the flower of their troops, as it turned out, or whether of the whole body of the British army?

A. I do not know what intelligence General Washington had, but I understood we were to have attacked the enemy at all events.

General Lee's question. Did you conceive that his Excellency's orders restricted me in my manœuvres, whether I was prohibited from manœuvring retrograde or forwards, as the face of affairs demanded, or whether I was absolutely enjoined, by my instructions, to march forward, or, at least, to remain on the very ground that the attack should happen to commence, in spite of all considerations?

A. I conceived you were to proceed on, and wherever you met with the enemy to take the earliest opportunity to attack them.

BRIGADIER-GENERAL WAYNE being sworn :

Q. Did you hear General Washington give General Lee any orders the 27th of June respecting his attacking the enemy?

A. General Washington called upon General Scott, General Maxwell and myself the 27th of June, to come forward to the place where he and General Lee were talking; and there recommended to us to fall upon some proper mode of attacking the enemy next morning. I did not hear General Washington give any particular orders for the attack, but he recommended that there should be no dispute in regard to rank, in case of an attack, that as General Maxwell was the oldest, he of right would have the preference, but that the troops that were under his command, were mostly new levies, and therefore not the proper troops to bring on the attack; he therefore wished that the attack might be commenced by one of the picked corps, as it would probably give a very happy impression. I do not recollect anything more having been said there upon the subject, but General Lee appointed the Generals who were there, to meet at his quarters about five o'clock in the afternoon, which I understood was for the purpose of forming a plan of attack on the enemy, agreeable to the recommendation of General Washington.

Q. Did you hear General Washington the 27th of June give General Lee a positive order to attack the enemy the next day?

A. I heard no more than what I have mentioned, but understood from it, that General Lee was to attack the enemy.

Q. By the Court. Did you meet at General Lee's quarters to concert a plan of attack, or was there a plan of attack concerted, agreeable to the recommendation of his Excellency, any time previous to the attack?

A. At the hour appointed I met with the Marquis de la Fayette and General Maxwell, at General Lee's quarters. General Lee said he had nothing further to recommend, than that there should be no dispute with regard to rank, in case of an attack, for he might probably order on either the right or the left wing, and he expected they would obey; and if they con-

ceived themselves aggrieved, to complain afterwards, and that he had nothing further to say on the subject, but that the troops were to be held in readiness to move at a moment's warning.

General Lee's question. Do you recollect my giving you some reasons for not arranging a mode of attack?

A. When you mentioned you had nothing further to say on the subject, you said that the position of the enemy might render any previous plan invalid, or words to that purpose.

General Lee's question. The same as his first to General Scott.

A. I understood that we were to attack the enemy on their march, at all events, and that General Washington would be near us to support us with the main army.

General Lee's question. The same as his second to General Scott.

A. I understood we were to attack them, but as I heard no particular orders that were given you, but what I have mentioned, I knew of no restrictions in regard to your manœuvres.

General Lee's question. Did General Washington's conversation with me, convey the idea that it was his intention to bring on a general action of the two whole armies by my attack?

A. The idea I conceived from General Washington's conversation was, that we should attack the enemy, and that he should be near to support us with the main body of the army, which, in its consequences, must, if we were pushed, inevitably, I think, have brought on a general action.

LIEUTENANT-COLONEL FITZGERALD being sworn :

Q. Did you carry General Lee orders from General Washington the 27th of June respecting General Lee's attacking the enemy next day?

A. In the afternoon of the 27th, as General Washington was returning from English-Town to his quar-

ters, after we had crossed the brook and were rising a little ascent, where General Lee's troops were stationed, General Washington ordered me to go to General Lee and tell him that it was his desire that he should draw up his troops on that ground in such a manner as if he was to receive an attack, or expected one; that, though he did not think it very probable that the enemy would make any attack upon him, yet, from the nearness of their situation, it was by no means impossible, he therefore wished him to run no risque, and that the officers and men should remain on their arms all night. General Washington said, you will also tell him, when you and the general officers, who I suppose may be now with him, have concerted measures for the attack, he will immediately send to General Dickinson and Colonel Morgan to let them know what parts they have to act. I accordingly went to General Lee's quarters, where I saw the Marquis de la Fayette, General Maxwell, and General Wayne, to the best of my recollection. I called General Lee out and delivered him the above order as nearly as I could. General Lee told me that when the troops had marched to that ground they were so exceedingly fatigued that he thought it a pity to add to it by any immediate movement; but that before night he would put them in the best position in his power to receive an attack; that, from his personal knowledge of General Clinton, Lord Cornwallis, and Sir William Erskine, he thought it highly probable they might turn about and make a stroke at them; and that if he had not been personally acquainted with them, he would have expected it from them as officers; that he had just sent Mr. Mercer off to General Dickinson, but did not know where Colonel Morgan was.

LIEUTENANT-COLONEL MEADE being sworn:

Q. Did General Washington send you with orders to General Lee the 28th of June?

A. On the morning of the 28th of June, General

Washington was informed by General Dickinson that the enemy had left their ground, and were on their march. General Washington immediately ordered the troops with him to be put in motion, and desired me to go immediately to General Lee and inform him of it, to put the troops under his command in motion, leaving their packs behind, to follow the enemy, and bring on an attack as soon as possible. I think, as well as I remember, I observed to General Washington that some circumstances might make it improper. General Washington observed that there might be some powerful reasons, but seemed exceedingly anxious to bring on an attack, and desired me to tell General Lee to bring on an attack, and that he would be up to support him, as he had ordered his troops to be put in motion. I proceeded to the ground where General Lee had encamped, found that he had marched and left his packs behind; I kept on and overtook the front of his column, advanced some distance beyond English-Town, where they had halted. I asked some officer the cause, but was answered that he could give no reason for it. Shortly after I met Captain Mercer, one of General Lee's aids, who told me, if I remember right, that the enemy had not left the ground. I proceeded and met General Lee—told him that I had come to him with orders from General Washington, but as the enemy remained on the ground, it would be needless to deliver the orders I had for him. General Lee exclaimed against the intelligence that himself and General Washington had received, and said that he (General Lee) had advanced a body of troops that he thought in danger; and that he had sent back to General Wayne to take the command of them. During that time, Captain Walker, one of Baron Steuben's aids, came up, who informed General Lee that the enemy had left the ground; General Lee did not seem to credit it till it was repeated frequently by Captain Walker. I then told General Lee that General Washington had desired he would put his troops in

motion, and leave his packs behind. I then told him that General Washington had ordered the troops under his command to be put in motion immediately, and that General Washington desired he would bring on an engagement, or attack the enemy as soon as possible, unless some very powerful circumstance forbid it, and that General Washington would soon be up to his aid.

General Lee's question. Did you perceive by my manner, language or countenance, any disposition to litigate or chicanery General Washington's orders, further than might arise from the distraction which such a variety of positive, contradictory, and equally authentic intelligence might have occasioned?

A. I have no reason to determine from what I saw, that you were willing or unwilling to execute General Washington's order. You exclaimed against the contradictory intelligence that you had received.

General Lee's question. Did you conceive General Washington's orders were, or the spirit of them, to bring on a general action at all events of the two whole armies?

A. General Washington, I think, was anxious to bring on a general engagement between the two armies.

LIEUTENANT-COLONEL HAMILTON being sworn:

Q. Did you deliver General Lee any orders from General Washington the 27th or 28th of June, respecting his attacking the enemy?

A. I wrote General Lee a letter the evening of the 27th of June, by General Washington's order; a copy of which I have not; but it was conceived in the spirit, as I understood, of former orders that had been given by him to General Lee, and was occasioned by an apprehension (as declared to me by General Washington) that the enemy might move off either at night or very early in the morning, and get out of our reach, so that the purpose of an attack might be frustrated. To remedy this, the order directed that General Lee should detach a party of 6 or 800 men to lie very near the

enemy as a party of observation, in case of their moving off to give the earliest intelligence of it, and to skirmish with them so as to produce some delay, and give time for the rest of the troops to come up. It also directed that he should write to Colonel Morgan, desiring him (in case of the enemy being on their march) to make an attack on them in such a manner as might also tend to produce delay, and yet not so as to endanger a general rout of his party, and disqualify them from acting in concert with the other troops when a serious attack should be made. This, I understood from General Washington, was in pursuance of his intention to have the enemy attacked, and conformable to the spirit of previous orders he had given General Lee for that purpose. This letter was sent off by a light-horseman, and the foregoing is the purport of it to the best of my recollection.

General Lee's question. What hour was the letter sent off to me?

A. It was rather late in the evening. I went to bed soon after.

CAPTAIN MERCER being sworn:

Q. What hour was the letter received from Colonel Hamilton by General Lee?

A. To the best of my recollection it was past one o'clock in the morning of the 28th of June.

CAPTAIN EDWARDS being sworn:

Q. What hour was the letter received from Colonel Hamilton by General Lee?

A. When the express came I got up and looked at the watch, and think it was near two o'clock by the watch; I then immediately wrote to Colonel Morgan, General Dickinson and Colonel Grayson to comply with the contents of the letter that General Lee received from Colonel Hamilton, and sent off the light-horsemen to them.

Q. to Colonel Hamilton. Did you conceive General

Washington's orders, or the spirit of them, to General Lee, were to attack the enemy at all events?

A. I do not. I can't conceive that General Washington could mean to give orders so extremely positive, but that circumstances, which had been unforeseen, might arise, to leave the officer, who had the execution of them, liberty to deviate; but, from everything I knew of the affair, General Washington's intention was fully to have the enemy attacked on their march, and that the circumstances must be very extraordinary and unforeseen, which, consistent with his wish, could justify the not doing it.

General Lee's question to Colonel Hamilton. Did you, either by letter to me, or in conversation with me, communicate this idea of General Washington's intention as fully and clearly as you have done it to the Court?

A. I do not recollect that I ever did.

General Lee's question. Was your idea of General Washington's intention that I should attack the enemy, had I found them in the situation which General Dickinson's intelligence assured me they were; that is, the whole arranged in order of battle, at or near [the] Court-house?

A. I knew nothing of General Dickinson's intelligence; but were the enemy's whole army drawn up in order of battle near the Court-house, I do not conceive it was General Washington's intention to have them attacked by your detachment.

The Court adjourn till to-morrow morning at 8 o'clock.

JULY 5th.

The Court met according to adjournment.

The MARQUIS DE LA FAYETTE being sworn:

Q. Were you with the troops under the command of General Lee the 28th of June?

A. I was.

Q. Did the troops under the command of General Lee make any attack on the enemy the 28th of June?

A. I went to General Lee in the afternoon of the 27th of June, and told him I wanted to be with him the next day; he answered that he was very glad of it. I asked General Lee if he had made any previous disposition of the troops. General Lee answered that he thought it would be better for the service to act according to circumstances. The morning of the 28th I sent at four o'clock to General Lee's quarters, to know if there was anything new; the answer I received was that one brigade was already marching. As I considered myself as a volunteer, I asked General Lee what part of the troops I was to be with? General Lee said, if it was convenient to me, to be with the selected troops. I put myself with them, in full expectation that these troops would act and be opposed to the British grenadiers. When we were on the march, having marched about one mile, General Lee sent orders to halt. I stopped some time; but being very impatient, I went to General Lee to know what was the matter. [He answered, that all the intelligence did not agree together; and by his answers I saw that he could not be assured that the enemy were marching. However, after some time, we began to march again; we halted once more, and, I think, because General Lee received intelligence that the enemy were close by; and I saw some light-horse of the enemy towards Monmouth Court-house. I sent my Aid-de-Camp to General Lee, to represent to him that the place where I was, the cannon and the troops were in a hole, in which it was impossible for us to do anything; General Lee answered that he did not care for that moment, but that he would provide for it. On the march, some troops were taken from General Wayne's detachment to go forward; and, as I was afraid of losing the opportunity of meeting the enemy, I desired General Foreman to point out to the detachment taken from General Wayne's detachment, a short road to go forward. Afterwards I

marched again, and I saw one of General Lee's aids, who told me that the rear-guard of the enemy was ours; and General Lee himself, some time after, told me something like it in less positive terms. He desired me to tell at the head of Wayne's division, where Colonel Livingston's regiment was, to file off along the wood; and, upon my representation that the cannon could not pass, he told me that the cannon could go along the road. Some moments after General Lee told me that those should go along a fence that was upon our right. An Aid-de-Camp from General Lee told me that the enemy were gaining our right, and that I should prevent them by gaining their left. I went to General Lee, and I understood it was his intention. Then I found one of the columns under the fire of the enemy's artillery almost before the front. I told Colonel Livingston, that as soon as the other columns would form on my right, rather than to stay there still, it was better to go to take the enemy's batteries that were before us. I was surprized, then looking back, to see some of our troops forming towards the village of Freehold, as they were behind me. I was then told that the troops had been ordered to form there by General Lee, and supposed it was on account of the openness of the field, or the fear of being turned in flank. I rode, myself, to General Lee when Colonel Livingston was retiring; I found General Lee towards the village giving orders that the troops should take post farther back, and disposing some of them in the woods to annoy the enemy; then I saw all the columns of our troops going that way; I was then afraid, as these with whom I was were not going very fast, that the enemy would point some battery towards them. General Lee began to form some troops in that new position, and told me that I should take care of their right; then it was told to General Lee that some of the enemy were filing by their left, and General Lee ordered a new position to be taken back, and the cannon to be removed. While this was doing General

Washington arrived. Afterwards I acted by direction of General Washington, and went to the command of the second line.

Q. Did the troops under the command of General Lee, to your knowledge, make any attack on the enemy the 28th of June?

A. I cannot say that I saw them make any attack on the enemy; I saw them setting out for that purpose, and I heard some noise of cannon; but cannot tell from which party they were fired.

Q. Were you with General Lee's troops from the time they set out to attack the enemy to the time they returned?

A. I was with General Lee's troops until General Washington came up. At that time I was remaining with a very small part of General Lee's troops.

General Lee's question. If any attack had been made on the enemy, were you in a position that you could have seen it?

A. No.

General Lee's question. From what you saw, and from everything that was done, had you not the greatest reason to conclude we either had attacked or put ourselves into such a situation to bring on their attack?

A. By what Mr. Malmedie told me, and you afterwards, my idea of the matter was such that you wanted to cut off a small part of the enemy's rear, and that nothing was to be feared but to lose time or ground; but that your intention was to cut off that part I could not judge but by what you said to me.

General Lee's question. Did I not direct you to move with your corps towards the enemy in one particular direction, at the same time that I did another corps across a wood?

A. I received such orders for myself, but I know nothing about any orders the other corps received. I saw some other troops marching through the woods.

General Lee's question. Do you recollect the par-

ticular words I made use of when I spoke of the party being ours?

A. The words were : My dear Marquis, I think those people are ours.

General Lee's question. Did you observe in my voice, manner, appearance, air or countenance, that I was in the least disconcerted, or whether, on the contrary, I was not tranquil and chearful?

A. It seemed to me by your voice and features you were then as you are in general.

Q. What number of troops marched out under the command of General Lee the 28th of June to attack the enemy?

A. About thirty-three hundred, exclusive of Colonel Jackson's regiment, and General Varnum's and Scott's brigades.

Q. What troops marched in front?

A. The troops under the command of Colonel Durgee and Colonel Grayson.

Q. Did you receive any orders from General Lee to advance and attack the enemy with your detachment, or did you receive any orders from General Lee to retreat?

A. I received an order from General Lee to gain the left flank of the enemy. I was told that the orders for retreating came officially from General Lee; when I arrived at Freehold, General Lee did not disapprove of it. All the other orders for retreating came from General Lee.

Question by the Court. Were the several corps that you have mentioned disposed so as to act collectively in support of each other; or were they separated by detachments?

A. When I was in the woods I could not see anything of the disposition. The part of the column I did see was together; for in the field I did not perceive any general compact plan, and the disposition at large, of General Lee, was not communicated to me.

Q. Did you gain the enemy's flank before you retreated?

A. I was going to do it, though I found there was not a good deal of time for doing it; but when I was at about the fourth part of what was necessary to be done, I saw that the other troops were going towards the village.

Q. Did you understand by their going towards the village that they were retreating?

A. I understood they were taking back a better position.

Q. When you retreated what distance were you from the enemy?

A. I was leading the column the nearest to the enemy, and there we had some killed by cannon shot.

Q. Could you estimate the number of the enemy from their appearance?

A. I could not see all, but I thought I saw about twelve hundred of them; their horse were covering their front.

Q. Were the enemy in motion at that time?

A. The enemy were marching towards us, and they were likely to make that movement which they make in all their actions to give jealousy to our right or left flank.

Q. General Lee's question. Did you not express your apprehension for our right flank?

A. I told you that there was a gentleman who had seen some troops going that way, and I told you to take care of it.

General Lee's question. When you said you did not observe any compact plan, did you mean that the artillery did not, except when it was prevented by accidents, such as ammunition being expended or horses killed, support the battalions, and the battalions the artillery, with more regularity than could be expected in manœuvres of this kind?

A. My meaning was, that I did not see what was the disposition of the several corps. I did find some want in the artillery, but that might be owing to accidents.

General Lee's question. Did I not express an intention of taking post in the rear of the ravine that crossed the plain, and for this purpose did I not detach you with a body of troops to take post in the village of Freehold, to see if the village would not cover our wing?

A. You pointed out to me the particular direction where the troops should go; you had told me a moment before to take care of the right, and I understood it was in case we should have taken a position on that spot.

General Lee's question. When you had reconnoitered the village of Freehold, did you find it afforded the security that was expected?

A. I found that the village did not answer any material purpose.

General Lee's question. Did I give you any reason to suppose that the principle of our retrograde manœuvres was founded on an apprehension of being pressed and beat in front, so much as it was founded on that of having our flanks turned?

A. I did not know which was your principle. The only reasonable principle to suppose was this, of having your flanks turned.

General Lee's question. Did you not observe in these retrograde manœuvres, that the different eminences through the extent of country, from Freehold to the eminence where General Washington had taken place, were all in favor of the enemy, so that the eminence on the enemy's side commanded the eminence on ours?

A. I did not remark that; but in some places the want of cannon was complained of.

General Lee's question. What authority had you to suppose that the Aid-de-Camp, who you were told brought orders from me to move back your corps as you were advancing towards the enemy, was sent by me?

A. I was told so, but I cannot say by whom, and as I had only one battalion in the field, and the others had retreated to Freehold, where you were, I thought that

such an order was coming of course. I cannot answer so well of the motion of the troops, as there was a great confusion and contrariety in the orders, and a complaint amongst the troops on account of it.

Q. Do you know the distance from the place where the troops retreated from to the place where General Washington came up?

A. Colonel Livingston's battalion, which was in the centre of the column, was, when it began to retreat, about one-quarter of a mile in advance of Freehold.

Q. Did you think that the number of the enemy's troops that followed was equal to the number of ours that retreated?

A. The number of the enemy did not appear to be equal to ours, but I thought that intelligence had been received that all the British army were coming upon us.

The Court adjourned till to-morrow, eight o'clock.

JULY 6th.

The Court met according to adjournment.

BRIGADIER-GENERAL WAYNE [being sworn]:

Q. Were you with the troops under the command of General Lee that marched towards the enemy the 28th of June?

A. I was.

Q. Did the troops under the command of General Lee make any attack on the enemy the 28th of June?

A. On the 28th of June I received orders from General Lee to prepare and march with the troops under my command immediately. Having marched about a mile with a detachment there was a halt made in front. About one-half an hour after, I received a message by one of General Lee's aids to leave my detachment and come to the front, and take the command of the troops that were in front; that it was

a post of honor, that the enemy were advancing, and to come on immediately. I overtook General Lee near the Meeting-house. When I arrived there I found about six hundred rank and file, with two pieces of artillery, from Scott's and Woodford's brigades, and General Varnum's brigade, drawn up; Scott's advanced up a morass, the other in the rear of it. Some intelligence had been sent from General Dickinson to General Lee, which, when General Lee came up, he said he was surprised General Dickinson had sent him such intelligence, on account of which he had halted the troops there. Some troops were said to be seen by some people advancing to our right. I took my glass, but saw only a few countrymen. The troops were then ordered to advance, and had not advanced far before a light-horseman came and mentioned to General Lee that the enemy were advancing from the Court-house down a road that led through the woods, upon which General Lee directed that the troops might be formed so as to cover two roads that were in the woods where the troops had advanced and formed, and Colonel Butler, with his detachment, and Colonel Jackson, with his detachment, were then ordered in front. Colonel Butler formed the advance guard and marched on. The troops took up again their line of march and followed him. When we arrived near the edge of some open ground in view of the Court-house, we observed a body of the enemy's horse drawn up on the northwest side, and between us and the Court-house. General Lee ordered the troops to halt, and by wheeling them to the right they were reduced to a proper front to the enemy's horse, though then under cover of the woods. General Lee and myself were advancing to reconnoiter the enemy, and had directed the horse and gentlemen with us to remain under cover. In advancing a piece forward General Lee received some message which stopped him. I went on to a place where I had a fair prospect from my glass of the enemy. Their horse seemed so much advanced from the foot, that I could

hardly perceive the movement of the foot, which induced me to send for Colonel Butler's detachment, and Colonel Jackson's detachment, in order to drive their horse back. I then detached part of Butler's people, who drove the horse into the village, by which means I could perceive the enemy were moving from us in very great disorder and confusion. This intelligence I sent by one of my volunteer aids to General Lee, requesting that the troops might be pushed on. In about ten or fifteen minutes after this the enemy made a halt, and appeared to be collecting and forming in same order. I believe by this time one of General Lee's aids came up, and I desired him to inform General Lee that the enemy had made a stand, and, from present appearances, shewed they were waiting us, and were not in much force. Their number appeared to be then, about five or six hundred foot, and about three hundred horse, and I desired that the troops might be pushed up. I sent, also, Major Lenox and Major Fishbourne to General Lee with the same account. One of the gentlemen returned with, I think, one of General Lee's aids, who told me that it was General Lee's orders, that I should advance with Colonel Butler's detachment, consisting of about two hundred men, and Colonel Jackson's detachment, consisting of, I think, about an equal number. Upon our advancing, the enemy took up their line of march and began to move on. I crossed the morass about three-quarters of a mile to the east of the Court-house, near to the edge of a road leading to Middletown, near the road where the enemy were marching upon; when the enemy fired a field-piece and set fire to some out-buildings. The whole of the enemy then in view halted. I advanced a piece in front of the troops upon a little eminence, in order to have a view of their position and a view of their movements. I also perceived that our troops were advancing, and had arrived at the edge of a morass rather to the east of the Court-house. The enemy then advanced their horse, consisting of about three hundred, and about

two hundred foot to cover them. The horse then made a full charge on Colonel Butler's detachment, and seemed determined upon gaining their right flank, in order to throw themselves in between us and our main body, which had halted at the morass. Upon Colonel Butler's observing this, he had formed the troops before I returned to him. The horse made a charge in force; he broke their horse by a well-directed fire, which run amongst their foot, broke them, and carried them off likewise. I then ordered Colonel Butler to advance immediately in pursuit of them. We had not advanced above two hundred yards before they began to open three or four pieces of artillery upon us. The enemy at this time appeared to be inclining fast to our right, in order to gain a piece of high ground, and to the right of where I lay, and nearly in front of the Court-house. When the head of their column arrived on it they halted and formed, and so in succession as they came up. I sent off Major Byles to desire our troops that were in view, and in front of the morass, to advance. The enemy's troops that were then in view, and marching to the eminence, did not appear to exceed seventeen or eighteen hundred. Then our artillery began to answer theirs, from about one-half a mile in the rear of Butler's detachment, when Major Byles returned, and informed me that the troops had been ordered to repass the morass, and they were then retiring over it. Upon this, I galloped up to the Marquis de la Fayette, who was in the rear of either Colonel Livingston's or Stewart's regiment; I asked the Marquis what he was going to do with the troops; he said that he was ordered to cross the morass, and would form near the Court-house, from that to the woods. I again sent to General Lee, requesting that the troops might be brought up. Either Major Byles or Major Fishbourne returned, and informed me that the troops were again ordered to retire from the Court-house, and that they were retiring. About the same time, one of General Lee's aids told me that it was not General Lee's intention to attack them

in front, but he intended to take them, and was preparing a detachment to throw upon their left, or words to that purport. I then crossed the ravine myself, and seeing General Scott's detachment beginning to cross, rode up with a view of forming them, but found the Colonel preparing to do it. As I got up, General Scott came up and told me he had directed the whole of his people to form there. I then went with General Scott to the Court-house. A morass runs up near the Court-house, in front of it, and continues a considerable distance to the left of the Court-house in front. After General Scott and myself had viewed the ground about the Court-house, I sent off one of my aids to General Lee to request him that the troops might again be returned to the place they had last left, which was on the ravine, near the Court-house. That at this time the number of the enemy did not appear to be above two thousand, and about a mile distant in front, moving on to gain the hill before mentioned. A fire was kept up of cannon between us and the enemy at this time. Major Fishbourne returned and informed me that the troops were still retreating, and that General Lee said he would see me himself. This was at least one hour from the time the charge had been made by the enemy's horse on Colonel Butler, who remained in the same position in the hollow way, advanced near three-quarters of a mile of the Court-house. After Major Fishbourne returned, I perceived the enemy begin to move rapidly in a column towards the Court-house. Upon waiting awhile with General Scott in this position, I again sent Major Lenox and Major Fishbourne to General Lee, requesting him at least to halt the troops to cover General Scott, and that the enemy were advancing, and also sent off to order Colonel Butler to fall back, as he was in danger of being surrounded and taken. These gentlemen returned and informed me the troops were at a considerable distance, retiring, but some appeared to be forming, and they believed there would be no stand made yet awhile. The troops then

appeared near a mile in the rear, near a Mr. Wikoff's, where they formed, and where I afterwards formed them. General Scott and myself kept in the orchard near the village till the head of the enemy's column had passed through the village, and were thrown between General Scott and our other troops. General Scott, having received some order, left me; Colonel Meade then came up, and we remained till the enemy had fairly got between us and all our other troops. Having a few horse with us, the enemy made a charge on us; we retired and fell in with the rear of our troops, who had formed a little in front of Mr. Wikoff's, which were Colonel Livingston's regiment, Colonel Stewart's regiment, and a part of General Scott's own brigade, and two pieces of artillery. I then met with General Washington, who ordered me to make a stand with these troops, and dispute the ground as long as possible, till he had time to form the army.

Q. Did you receive any orders from General Lee to make an attack on the enemy the 28th of June?

A. I did not; but every moment expected such orders.

Q. Did you receive any orders from General Lee to retreat from the enemy the 28th of June?

A. I did not.

Q. What number of troops marched under the command of General Lee towards the enemy the 28th of June?

A. In front, Colonel Butler, with two hundred, Colonel Jackson, with an equal number, Scott's own brigade, with a part of Woodford's, six hundred, with two pieces of artillery, General Varnum's appeared about the same number, with two pieces of artillery, my own detachment was about one thousand, and two pieces of artillery, General Scott's detachment, fourteen hundred, and four pieces of artillery, General Maxwell's was one thousand, and two pieces of artillery; in all, five thousand, with twelve pieces of artillery, exclusive of the militia.

Q. What distance was it from the place where the troops first retreated from to the place where they formed?

A. I think about one-quarter of a mile.

Q. What distance was it from this place to the next place where they formed?

A. From this place to the place where I found them, which was a little in front of Mr. Wikoff's house, was, I think, about a mile.

General Lee's question. Were you in your messages that you sent me, as particular and as distinct with respect to the numbers, orders, or disorder of the enemy, as you are at present?

A. I think I was, from my anxiety to get up the troops.

General Lee's question. Do you recollect the orders Captain Mercer carried to you when he went to you with Major Lenox?

A. The orders, I think, were to advance with these two regiments; and that it was the General's intention not to drive, but to take the enemy.

General Lee's question. I would be glad to know what could have prevented the enemy's cavalry from turning the village of Freehold?

A. By advancing and driving them.

General Lee's question. Did you send Colonel Morgan orders to retreat?

A. At the time our troops had all been drawn from the Court-house, and the head of the enemy's column near the centre of the village, a messenger arrived from Colonel Morgan, who said he had been to seek for General Lee or the commanding officer, and had not found him. I enquired where Colonel Morgan was; he said he was about two or three miles to the left. I told him that he saw our troops were all drawn off; that the enemy were advancing, and that Colonel Morgan should govern himself accordingly.

General Lee's question to the Marquis de la Fayette. Did you not, while in the village of Freehold with

me, express an apprehension that the enemy might turn our right flank?

A. As far as I remember, I told you that some gentlemen had mentioned some troops were going towards our right, and told you to take care of it; but I did not say in what manner you should act.

Question by the Court to General Wayne. While you were in front, did you receive any intelligence with respect to the enemy's advancing in force? Or did you make any discoveries of a body coming up to support the two thousand you have mentioned to have been in front?

A. I received no intelligence; but, from my own observation, the enemy kept continually marching up, and forming successively as they arrived. They had been much scattered while marching. They appeared to increase while I was there, from about six hundred to two thousand, and were still advancing to the same position the others had formed on.

X General Lee's question. As we marched in one column until we divided in the forks of the road, do you think we could have brought up to action, even admitting the enemy to be only two thousand, an equal number in as short a time as they?

A. I believe the whole of your troops were formed either immediately in the rear of the ravine, or advanced across it; I know that about three thousand were across and formed, and could have been brought up in time.

Q. When you got up to Wikoff's house, was General Lee there with the troops that were formed?

A. He came up to me while I was forming there the troops that were retreating to the place where the others were forming, and he enquired why these troops were formed there, under the enemy's cannon, and exposed to the enemy's cavalry. I told him it was General Washington's positive order to make a stand there, and defend that post as long as possible, till he could form the troops. General Lee replied, he had nothing more to say.

GENERAL FOREMAN being sworn :

Q. Were you with the troops under the command of General Lee the 28th of June ?

A. I was, by order of His Excellency General Washington.

Q. Did the troops under the command of General Lee attack the enemy the 28th of June ?

A. The first attack that I saw made, was by the enemy's cavalry, either on the troops under Colonel Butler, or a few of our horse that were on his right ; which cavalry were repulsed by the troops under the command of Colonel Butler.

Q. Did the troops under the command of General Lee retreat before the enemy on the 28th of June ?

A. Shortly after the enemy's horse had charged Colonel Butler's detachment, I rode forward to discover the number and situation of the enemy, having, from every circumstance, conceived that only their rear-guard had been left at Freehold to keep a shew, and prevent our troops advancing. From their appearance I judged their number not to exceed one thousand. I then rode in quest of General Lee, informed him of their situation and their supposed number ; at the same time informed the General that I conceived they were considerably in the rear of the column, and offered to take a detachment, and, by marching a road upon our left, to double their right flank. General Lee's answer was, I know my business ; at the same time he was ordering a body of troops to march into a wood on the left of the column, which troops, I was informed, was a part of the Marquis's detachment. I then left General Lee. Some short time after I observed the General riding towards the front, and, a few minutes afterwards, I saw the Marquis de la Fayette direct Colonel Livingston's and Colonel Stewart's regiment to march towards the enemy's left ; and I was informed, by the Marquis, that he was directed by General Lee to gain the enemy's left flank. In this time there was a can-

nonade from both parties, but principally from the enemy. The Marquis did not gain the enemy's left flank; [as I supposed, it was occasioned by a retreat that had been ordered to the village, I presume by General Lee, as he was present and did not contradict it.] The troops just began to form in the rear of the village, their left extending to a wood to the northward, the right to the southward; before the line was formed, the troops retreated, and, I was informed by the Marquis, by order of General Lee. There appeared, by this time, much confusion and irregularity to have got in among the troops. The troops upon the left of the village were retreating in line, those on the right in column. I enquired of several officers where they were retreating to. They said to the woods. On enquiring of them what woods, they said they could not tell whether it was the wood in front or on the right or left. The troops soon after this were formed into columns. There came up an officer of the horse, and told me that three regiments were to throw themselves into a wood on the right; I sent him with this order to General Maxwell, and afterwards part of General Maxwell's troops went into the wood. During the retreat across Mr. Ray's field, I was present, and saw General Lee ride up to the troops as they were retiring, and order the troops to retreat with more haste.

Q. How far was the enemy from General Lee's troops when he ordered them to retreat with more haste?

A. About half a mile in rear of his troops.

Q. Were General Lee's troops at that time in order or disorder?

A. The body of the troops seemed to be confused and in disorder.

General Lee's question. Were you ever, in this country, in a retrograde manœuvre or retreat from a body of troops in the face of the enemy?

A. Yes.

General Lee's question. Was it conducted with more or less disorder than mine was?

A. I have seen retreats with more confusion and some with less.

General Lee's question. Where did you see a retreat with less confusion in the face of the enemy?

A. At the White Plains. I went off with a part of the army in the evening, and saw no confusion.

BRIGADIER-GENERAL SCOTT being sworn :


Q. Were you with the troops that marched under the command of General Lee the 28th of June towards the enemy?

A. I was.

Q. Did the troops under the command of General Lee make any attack on the enemy the 28th of June?

A. About five o'clock in the morning of the 28th of June, I had orders to put my detachment in motion immediately, and follow the rear of General Maxwell's brigade, passed through English-Town, where we were ordered to halt, and then received an order from one of General Lee's aids, to march in the rear of General Wayne's detachment. About this time there was a halt for about one hour. When we marched on near the Meeting-house, where there was a second halt made; we were again ordered to march on; about a mile beyond the Meeting-house we were again halted some short time, when several pieces of cannon were fired, and some small arms in front of the column, about which time we were ordered on, and soon took a road leading us immediately to the left. After marching near one-half a mile, we turned an old road to our right, which brought us into a field to the left of some of our troops that were formed, where there was a pretty brisk fire of cannon on both sides. I receiving no orders more than these, to follow General Wayne's detachment, they wheeled to the right, and moved on in a line with those troops I saw formed; before I had

got far enough to wheel up my detachment, I found the whole of the troops upon my right retreating, as I supposed to repass the morass, which they were then about to do. After reconnoitering the enemy, and reviewing the ground that my detachment stood on, I thought proper to repass the morass and take place in a wood with the morass in my front. About this time I sent my artillery immediately back the road I came, into the field, finding it impossible for them to act on the ground I had taken, or even to get to it. I then fell in with General Wayne, rode with him from there up to the little village at the Court-house, and enquired of him the occasion of the retreat; he said he could not tell, but he had sent one of his young gentlemen to desire General Lee to send the troops back, for there was nothing to fear. I continued with him until the gentleman returned; he brought no other answer but that General Lee would see General Wayne himself. General Wayne sent to General Lee a second time, desiring him at least to halt, if he did not chuse to return the troops, to favour my retreat, that my detachment was in a good deal of danger of being cut off. We continued on the ground near the village until the enemy had passed my right, and almost cut off the retreat of my troops to our other troops; during all this time I received no orders from any person whatever; upon which I thought proper to order off the detachment, by filing off by the left of battalions, and marching through the wood, rather in the rear of the enemy's advance guard, near a mile, when I fell into the road leading to the Meeting-house, upon which I ordered a battalion to form, in order to cover our retreat. At this time I heard a fire begin upon our right; I made no doubt there was a stand made there also, and I ordered Colonel Parker to go back and to move the battalion forward to join the detachment, and that there was a cover formed upon our right; but he was prevented delivering my orders by the front of a column of the enemy, between the rear of my detach-



ment and the battalion formed to cover it, which battalion did not join my detachment afterwards that day. I moved on with my detachment to the hill in front of the meeting-house, where I met with Lord Stirling, who told me we were to form there.

General Lee's question. By whose orders did you leave the wood you were posted in ?

A. I received no orders either to take post there or to leave it.

General Lee's question. Do you recollect the precise position you were in, with respect to the enemy, when you thought you were in danger of being intercepted ?

A. I was on the west side of the morass, in a wood about half-a-mile to the left of the Court-house ; the enemy's front was in or near the village, passing to my right almost in my rear.

Q. Could you estimate the number of the enemy at that time ?

A. I do not think there were more than twenty-five hundred, the horse included.

Q. Did you see the retreat of the rest of our troops ?

A. Part of the rear.

Q. Did the part you saw appear to be in order or confusion ?

A. They appeared to be in confusion ; they were running and the horses trotting with the field pieces.

General Lee's question. Did it appear to you that the men were running away, or were only hastening their steps to take a more advantageous post in their rear ?

A. I expected they were about to repass the morass, in order to take post on the western side ; I moved my detachment immediately, in order to form the line with them, but when I got there I found they had not formed agreeable to my expectations, but had left that ground, and were entirely out of my sight.

The Court adjourns to the house of Isaac Arnot, in Morris-Town, 'till Wednesday next, at eight o'clock.

WEDNESDAY, *July 8.*

The Court met at Morris-Town, and adjourns to Paramus 'till Friday next.*

FRIDAY, *July 10.*

Not a sufficient number of members attending at Paramus, the members present adjourn till to-morrow at eight o'clock.

JULY 11.

The Court met at Paramus.

MAJOR LENOX being sworn :

Q. Did you carry any message from Brigadier-General Wayne to General Lee the 28th of June ?

A. I carried one message to General Lee from General Wayne.

Q. What was it ?

A. I went to inform him that the enemy had halted, and, by their appearance, seemed disposed for action. In case of General Wayne's attempting them, he requested General Lee would come up to support him.

Q. Did you receive any answer from General Lee, at that time, for General Wayne ?

A. General Lee said it was a customary manœuvre

[* GEN. WASHINGTON TO MAJOR-GENERAL LORD STIRLING AND THE MEMBERS OF THE GENERAL COURT-MARTIAL FOR THE TRIAL OF MAJOR-GENERAL LEE.

7 July, 1778.

GENTLEMEN,

On further consideration of the adjournment of the Court-martial to Morristown, it appears to me, that the matter is liable to many great and almost insuperable objections. Should the court remain there, it would be necessary for more officers to be drawn directly from the army, than could be prudently spared ; and the frequent occasions there will be of calling on the same witnesses on several, and often on the same points in question, would cause such a detention of them as might be injurious. From these circumstances I am induced to change the place of the court's sitting, and to request that they will adjourn from Morristown to Paramus Church, which will be immediately in the route of the army. The court will be pleased to notify General Lee and the witnesses of the removal, in such a way as they shall deem most proper. I am, &c

G^d WASHINGTON.]

with retreating troops, and that he was coming up, or words to that effect.

Q. Were the enemy's troops advancing or retreating when they halted?

A. They had retired, and had advanced about two or three hundred yards afterwards.

Q. How did the enemy's troops appear to be situated?

A. About a quarter of a mile in front of the Court-house, a little below a hill; they had formed there, and others were coming up reinforcing them.

Q. Did General Lee's troops come up?

A. Not that I saw, except troops that I took for General Scott's brigade, that had advanced across the morass, which was after the enemy's horse had made a charge on Colonel Butler's regiment.

Q. Were General Lee's troops put in motion upon your delivering General Wayne's message to him?

A. I did not see them put in motion. I rode off immediately upon receiving the answer for General Wayne.

Q. Could you form any judgment of the number of the enemy, when you went with the message from General Wayne to General Lee?

A. I imagine their number did not exceed one thousand foot, and between two and three hundred horse. When I returned they were considerably reinforced, and more coming up.

General Lee's question. Did I not explain to you what my intentions were, and in what manner General Wayne was to proceed?

A. No.

General Lee's question. Were you in such a situation that if the troops were put in motion you could have seen them?

A. You might have filed off in the woods to the left, which would have put it out of my power, as I was advanced in front in the open field with General Wayne.

Q. Do you mean, that if General Lee had filed off his troops in the woods to the left, that movement would have put it out of your power to have seen them?

A. Yes.

COLONEL SCILLY [CILLEY] being sworn :

Q. Did you march with the troops under the command of General Lee, when they advanced towards the enemy the 28th of June?

A. I was in the detachment under the command of Brigadier-General Scott.

Q. Did these troops make an attack on the enemy the 28th of June?

A. We marched down till we came near Monmouth Court-house ; I then heard a scattering fire of musquetry, with some field pieces, but knew not whether from our troops or the enemy. We still advanced through a wood until we came to an open field, which opened to the Court-house. I saw the troops in front of me form the line and move forward towards the Court-house. As soon as we marched out of the wood into the field to get room, we were ordered to form by General Scott ; but immediately ordered to wheel by platoons, and to advance after the troops that were advancing rather to the right of the Court-house ; there we were ordered to halt ; immediately on our halting, the troops on our right marched on, and by wheeling to the right, passed a morass. Upon that, General Scott ordered his detachment to march from the right of battalions to cross a morass in their rear, and to form in a skirt of wood ; we formed there. We lay there some time. The troops on our right were all gone out of sight, having retreated towards English-Town. The enemy, at this time, were retiring as far as I could see ; they retired about two or three hundred yards, and at length made a halt, and in a few minutes marched back towards the Court-house. General Scott being absent, and the detachment laying there about half an hour, when the enemy

marched by, having their cavalry on their right flank and in their front until they got into the village near the Court-house, then they filed off to their left and our right, and the column came down from the road in the front of General Scott's detachment. I then sent Captain Croghan and Captain Kelly in pursuit of General Scott, to inform him that the enemy were coming down in two columns, as I suppose, to attack us. He sent back Kelly and Croghan to order me to retreat by the left of battalions in columns. We retreated through a wood to where the stand was made, where I saw Lord Stirling, who ordered me to form, which I did.

Q. How were the enemy's troops situated when you first came in sight of them?

A. They appeared to be in confusion.

Q. How great was their number?

A. When I first saw them they did not appear to be above eight hundred; but before I went back I think about two thousand or twenty-five hundred appeared in sight.

Q. Do you know whether any measures were taken by General Lee towards attacking the enemy?

A. I do not.

Q. Did you take any particular notice of the troops that were in advance of you when they retreated?

A. They retreated fast; their rear went off in a trot.

Q. What did you suppose at the time occasioned them to retreat in that manner?

A. I supposed they must have seen something that I did not see; I could see nothing at that time which could occasion them to go off in that manner.

Q. Do you know who immediately commanded these troops?

A. I do not.

Q. Did you see or hear of any other firing than the scattering firing when you first came up?

A. There was a few cannon-shot fired, after I got up, on both sides.

COLONEL GRAYSON being sworn :

Q. Did you march with the troops under the command of General Lee, towards the enemy, the 28th of June ?

A. About three o'clock in the morning, I received an order signed by an Aid-de-Camp of Major-General Lee, purporting that General Scott's and General Varnum's brigades should get in readiness immediately to march towards the enemy with their packs, and to give notice when they were ready. Shortly after this, and before they were ready to march, I received another order, desiring that the troops might be marched into English-Town, where General Lee would be ready to receive them. As soon as we got to English-Town I waited on General Lee, who informed me I was to advance towards the enemy, but to halt at the distance of about three miles from them, and to send repeated intelligence of their movements. At the same time one of General Lee's Aides-de-Camp put into my hands a written paper from General Washington to General Lee, desiring him to send out about six or eight hundred men to act as a body of observation, and to give frequent information of the enemy's movements, and to attack them in case they began to march. The next line, I think, was, that the time and opportunity was left to the commander of the party. I applied for a guide ; was informed by General Lee that some light-horse were to go with me ; General Lee immediately sent Major Edwards to procure a guide, who soon returned without one, and informed General Lee they had disappeared ; at which General Lee seemed disturbed, and sent the Major off again. Some time after this, General Foreman furnished a guide. I began my march with General Scott's and General Varnum's brigades towards the enemy from English-Town. Some distance from English-Town, I think about two and a half miles, General Lee sent word to march slow, and shortly afterwards to advance. We proceeded to a bridge in

the rear of the hill where the stand was made, where we saw a firing, and where we saw a party of militia retreating from the enemy, keeping up an irregular retreating fire. General Dickinson sent to me for a regiment to cover the retreat of the militia, which I went with; and, on seeing Colonel Oswald, we agreed that a field-piece should be advanced also. Upon our advancing to the top of the hill, we discovered that the enemy were gone off; upon which, we drew up nearly on the place where the stand was made, and very shortly after, General Lee came, (this was early in the morning,) who told me that the other parts (as I understood), Scott's and Varnum's brigades, should come forward. Before General Lee came up, in the conversation I had with General Dickinson, he seemed strongly impressed with an idea that the enemy would send round a column on our right, and another to the left, which would put the continental troops in danger, and they had better be withdrawn, and he would scuffle it out with them with the militia. I heard General Dickinson maintain nearly the same conversation with General Lee as with me, with some warmth; General Lee went to reconnoiter the enemy; and, upon his return, part of General Scott's brigade was advanced by General Wayne, who posted them upon the left of the road that leads to the Court-house. The intelligence I understood General Lee received was, that a column was advancing up that road; (I did not hear General Lee mention that a column was advancing up the road.) We remained there for some time, when I received orders that the column was not advancing, and we might come off, which was immediately contradicted, and we were ordered to stay on the ground, which we did, until the rest of the troops came up, on their march to the Court-house. When the brigade joined again, Colonel Jackson's regiment was ordered into our rear. We continued our march with the other troops until we got to a hill on this side the morass, which is contiguous to the Court-house, where we made

a halt, and I observed General Lee reconnoitering the enemy, and I rode myself a small distance, when I saw their horse, but not their infantry. Their horse appeared to be in confusion, and as they fronted us were to the left of Freehold. One regiment of Scott's brigade was formed upon the left of the road, and the other regiment marched towards the Court-house. I followed it and found it posted behind a fence nearly opposite to the Court-house. I asked the commanding officer what were his orders? And asked him if his orders were to stay there? He told me they were. I rode by the fence and a short distance into the plain, where I saw the enemy distinctly drawn up on the right of the Court-house; their number appeared to be five or six hundred infantry, with a body of horse. I turned back, and finding that other bodies of our troops were in motion, which they were to our left, and the enemy beginning to file off to their right, I asked again of Lieutenant-Colonel Parke, if the orders were to stay there? He told me they were. However, I took upon myself to order them on with our other troops, who were filing off to the left, as if to turn the enemy's right. Shortly after our being in motion, I saw General Lee and Major Mercer; Major Mercer accosted me with some warmth, and asked me why I was not in the rear of General Wayne? I told him I had no orders to be there; he said orders were given to Lieutenant-Colonel Parke; I told him when he gave me orders he might depend on their being executed. We proceeded, and were joined by the other regiment and crossed a morass, where I saw a body of troops that were halted, and I believe were General Varnum's brigade, and some other troops. As soon as we had got cleverly halted on the other side of the morass, on the edge of an orchard, we observed a body of the enemy's light-horse advancing towards us with great rapidity, some of our horse and some horsemen retiring before them. When they came within musket shot they were repulsed by a fire from part of

the left of General Scott's brigade. General Lee shortly after this came up. General Scott's brigade advanced in order to get into the rear of General Wayne, who, I understood, was in a wood some distance in our front. We continued our march until we got near to the edge of the wood, when a message came by a gentleman, who informed me that he was from General Wayne, desiring me not to enter the wood, but to keep my ground; I think he said that the enemy were retreating by their right. There were no troops then that I saw, either upon my right or left. Colonel Jackson's regiment was in our rear in a morass. I then saw the enemy drawn up in order of battle, in much greater numbers than before, and they cannonaded us from two or three pieces of cannon. I hallooed to Colonel Jackson to come and form upon the top of the hill upon my left, who asked me if I had any artillery, I told him I had not; Colonel Jackson did not come up. Soon after this, Major Mercer came from General Lee, who expressed his surprize that I was not in the rear of General Wayne as ordered; I told them I was advancing as fast as possible, but had contrary orders from General Wayne. Mr. Mercer said he was the proper person through whom orders should be given. About this time I saw Colonel Jackson's regiment retreating, and Major Mercer told me to go off in the rear of Colonel Jackson's regiment the way I had come. We retreated or went back, recrossed the morass, where General Scott's detachment was halted in a wood, where we halted also. The enemy at this time were advancing towards the Court-house. I went into the plain with the Brigade-Major to view the enemy, and saw them advancing in force. Upon my return I found the whole of the troops that had retreated with me had marched. We continued our rout 'till we come near a fence in the front of Hart's house, when Major Mercer formed the regiment to oppose a body of light-horse, as it appeared to me, (the other regiment was before detached to cover the two pieces of artillery that had been engaged near

the Court-house,) I thought it might be formed to more advantage behind the fence, and took the liberty to do it; after which I did not see General Lee or any of his Aid-de-Camps, or receive any orders from him or them that day.

Q. What was the situation of the enemy when you first discovered them?

A. When I first discovered them I saw only a body of horse, and several persons riding before, who appeared to be reconnoitering or putting them into better order.

Q. How were the enemy situated when you first discovered their infantry?

A. In excellent order, with their light infantry advanced in their front.

Q. What were their numbers?

A. As near as I can guess about five or six hundred infantry, with a large body of horse.

Q. Did you receive any orders from General Lee to attack the enemy?

A. Immediately after the enemy had retreated from the Court-house I fell in with General Lee, who mentioned to me with some degree of animation, to keep in the edge of a wood, and to attack them in small bodies, and by God he would take them all.

Q. When you saw the enemy drawn up in order of battle, how were they posted?

A. They were drawn up in a line, with the cavalry on their flanks; the ground appeared to be level.

Q. Could you form any judgment of their numbers?

A. I could not.

Q. When you were ordered to go off by Major Mercer, did he mention any place you should retreat to?

A. No.

Q. Did he desire you to go off in haste?

A. No.

Q. When you were ordered to go off by Major Mercer, were any troops ordered as a covering party?

A. No.

Q. Were you ordered to retreat in any particular manner?

A. No.

Q. How far did you retreat before you made the stand?

A. First stopped where General Scott's detachment was posted, and then retreated to the fence near Hart's house; I think the distance from the place we retreated from to Mr. Hart's, is near two miles.

Q. When our troops retreated, did they retreat in order or disorder?

A. I observed no troops but those immediately under my command, which came off in good order, as did Colonel Jackson's regiment that was in front.

Q. Did the ground that you retreated over appear to be favorable to make a stand on?

A. From the idea I have of it, which is not a very accurate one, I think it was; to me it appears now, there was a piece of ground immediately on this side the Court-house, that has a wood upon each flank, and a morass in front.

Q. How long did you remain in the front of the fence near Mr. Hart's house after Major Mercer had formed the men there?

A. A very short time.

Q. What occasioned you to remove from thence?

A. They were ordered off, I suppose, by some Aide-Camp, to form in a wood near the road, not far distant from where they were formed in the morning by General Wayne.

General Lee's question. Do you think it possible for an officer in the line, who only sees partially, to be a judge of the ground proper for each party to make a halt on?

A. He has not so good an opportunity of knowing the ground as he whose business it is to investigate it by reconnoitering.

COLONEL STEWART being sworn :

Q. Did you march with the troops under the command of General Lee towards the enemy on the 28th of June ?

A. I marched in the detachment under the command of General Wayne, which I understood was under the command of General Lee.

Q. Did these troops attack the enemy on the 28th of June ?

A. Not to my knowledge.

Q. Did these troops retreat from the enemy the 28th of June ?

A. They did.

Q. By whose orders ?

A. On General Wayne's detachment advancing out of the woods across the plain, about three-quarters of a mile in advance of Monmouth Court-house, Colonel Lawrence came up to me at the head of my detachment, informing me that the enemy were endeavoring to gain our right flank ; the Marquis and Colonel Lawrence were both in company at that time, and desired I would push my detachment towards the right. I marched on till I got nearly in a line in front of the Court-house. A cannonading had begun when I came out of the woods, and had been kept up during the time I marched across the plain. Colonel Lawrence came up and informed me it was found necessary we should retire to the village, and ordered me to retire to that place. On my arrival at the village, he ordered me to form in an orchard to the right of the town. I had not been formed in that place above five minutes, before an order came from Major Ogden, who said he came from General Lee, to retire to a piece of wood farther in the rear. On my march to these woods, I fell in with General Lee and several other gentlemen, and not understanding which wood Major Ogden meant, I asked General Lee which wood I should take the men to. General Lee, seeing the men much fatigued, said, take them to any place to save their lives, pointing to

an orchard in front. After remaining a short time there, Major Edwards, one of General Lee's Aid-de-Camps, ordered me to a piece of woods farther on towards the morass, the morass being in the rear of the ground I was then on. On my march to this place, the enemy's horse appeared in sight, and pretty near; General Lee rode up, and ordered me to form my men in order to oppose them. Before they came quite up to where my regiment was formed, they made a halt, and returned towards the main body, the head of which was advancing out of the village. During the advance of the horse, I asked General Lee whether it was not proper for me to advance to a fence which was about fifty yards in front; he answered me he intended to bring a regiment there, that I should cover their retreat, and that one should be in the rear to cover mine. I was again ordered to pursue the route to the piece of woods in the rear. The regiment in front of me did retire, by which means I was left with my single regiment. The enemy had come up pretty near to me when I saw the Marquis de la Fayette, and demanded to know what I should do; his answer was, he saw no necessity for my having my regiment cut to pieces, and he thought I had much better retire after the other troops. On my repassing the marsh, just as I had got over it, His Excellency came up and ordered me to form my detachment.

Q. What was the situation of your detachment when you came near the enemy?

A. We were marching in column, seven or eight men in front.

Q. How near were the enemy to you when you first began to retreat?

A. I do not think, from my particular detachment, they were above six hundred yards.

Q. How strong did they appear to be?

A. I did not look upon them to be more than six hundred infantry, besides the horse, which appeared to be pretty numerous.

Q. Were they advancing towards you?

A. They had halted.

Q. How large a body of our men was there, that could be opposed to the enemy?

A. There were three detachments posted where I was, consisting of about eight hundred men.

Q. Did you receive any fire from the enemy before you retreated?

A. None but from their artillery; one man of mine had his leg broken.

General Lee's question. Did I not appear in the whole course of the day tranquil; and did I not give my orders distinct and clear?

A. When I had an opportunity of seeing you, you appeared as usual, without being disturbed.

General Lee's question. Did you not conceive, when I ordered you to take your men to some place to save their lives, pointing to an orchard in front, that it was done that you might take them to some place to shade them from the heat of the weather?

A. I understood it that way.

The Court adjourns till eight o'clock to-morrow.

JULY 12th.

The Court met according to adjournment.

COLONEL RICHARD BUTLER being sworn:

Q. Did you march with the troops under the command of General Lee towards the enemy the 28th of June?

A. Yes.

Q. Did these troops attack the enemy the 28th of June?

A. I moved on from English-Town with about two hundred troops under my immediate command. I received orders to move on with my battalion, and orders came at the same time to Colonel Jackson to move to the front. Both the battalions were a considerable

distance back in the line of march, but on receiving the order I gave orders for my battalion to move on, and rode forward to where General Lee was, and General Wayne; I informed General Wayne that my battalion was pretty far back, but that I had ordered them on; General Wayne mentioned it to General Lee, who said it was immaterial which battalion, and ordered General Wayne to take the two nearest battalions, and move them forward. Before the troops arrived a body of our troops had crossed a causeway, and was returning down towards the causeway from the top of the rising ground, at which time the battalions that had been first ordered came up to the causeway, and agreeable to the first order moved on to the front of the whole; General Wayne then ordered me to move on with my battalion to take the front, and to attack the enemy wherever I should come across them; he told me it was necessary, as it was woody ground, to extend a front, and to march the men in such a manner as I could form them immediately in case of an attack; I accordingly ordered a sergeant and party, as an advance party, a small party upon each of the flanks, and the battalion to march from the right of platoons by files, with a proper wheeling distance between each other, to form. After this disposition was made, General Lee came up and ordered the battalion to be formed again, and marched in column from the centre by files; moved on a small distance in this manner, and then was left at my own discretion to form them as I thought proper. I then ordered the left from the centre to wheel on, and march by the right of platoons by files, the right by files as before. As General Lee desired I should keep the troops in the woods as much secreted as I could, so that the enemy should not perceive our approach, as there was clear ground on our right, and woods on our left, in that order I moved on 'till I passed that clear ground, and had room to form the whole in proper front. General Wayne then ordered me to move on and attack the enemy. I accordingly went forward,

and received a small scattering fire from some troops that I took to be the Queen's rangers, from along a fence upon my right; immediately I wheeled up the men, ordered them to reserve their fire and push on. A few of them fired. On our approach they left this ground, and I moved on to within sixty yards of an orchard, to the left of the road leading to Monmouth Court-house, and then filed off to the left upon the enemy's left flank, as I saw them moving off. I then sent word to General Wayne, by Major Byles, that the enemy were moving off; on which General Wayne immediately came up, and ordered me to take post in a small point of wood, rode off from me and told me he would forward up more troops. I there saw a small body of British troops move off retiring, and the artillery wagons after them. The British horse moved off in regular order on the left of the rear of the artillery. A party of infantry appeared to me on the left flank, and appeared to go on as a flanking party. After the horse, a body of foot went off in columns in regular order, and kept their flanking party out in the same manner. I then sent word by Major Byles to General Wayne or, General Lee, informing them in what manner the British troops were moving off, and that, in my opinion, if we had a mind to strike the enemy, that was the time to improve an advantage, as they were all in motion moving off. I then moved my party across a small morass, that they might not be in the way of other troops as they came up. When I got over the morass, General Wayne joined me, and ordered me to move on upon the enemy's left flank. I moved on about one-quarter of a mile, when the enemy made a halt at a small piece of wood, and their horse formed and faced about, and made a charge upon my party; we gave them a fire, they broke, and in their retreat from us broke through their own foot and disordered them; they then brought two or three pieces of cannon to bear upon us. General Wayne ordered me to move the party down into a small hollow, to cover them from

the fire of the artillery, and from thence to move them to a small piece of wood; he then left me and sent back Major Byles to me, ordering me to remain there until further orders. Our artillery then began to play pretty smartly amongst the enemy and caused considerable disorder amongst them. I remained in that condition for about ten minutes or one-quarter of an hour, before the enemy began to move towards the Court-house again; they moved on very slow, and, seemingly, very regular; continued so for about an half hour or more, making small halts and moving on, in which time there was a considerable cannonade on both sides, and some musquetry on my right, which I conceived was principally from our people. The enemy still continued moving on, and I saw a body of troops coming on that I had not seen before, in very regular order from what had been in the front of those who had moved off before; troops that had marched and were coming back again. The troops I first saw, appeared to be the rear guard of the whole army, and the other body I took to be the rear of the main body. I remained still better than a quarter of an hour, 'till the troops I have mentioned before seemed to have gained ground on our people; the fire going from me on my right. I then thought it was time to provide for the safety of my party, the enemy being on my right in front, and on my left, a large morass in my rear. I called the two Field Officers and asked them their opinion respecting our moving from that ground; they gave it as their opinion that we ought; we then retreated through the morass that was in our rear, and came by the way of Furman's mill, halted a small time to refresh the men. I ordered Major Ledyard to ride up towards the road we had advanced upon, to see where our people were, that we might join them again. He came back and informed me the enemy were moving on upon the plain ground, and it appeared to him our people had moved back. I then marched my party to one Craig's house, upon the left of our army, and saw a body of troops

and received a small scattering fire from some troop that I took to be the Queen's rangers, from along fence upon my right; immediately I wheeled up the men, ordered them to reserve their fire and push on. A few of them fired. On our approach they left this ground, and I moved on to within sixty yards of an orchard, to the left of the road leading to Mounmouth Court-house, and then filed off to the left upon the enemy's left flank, as I saw them moving off. I then sent word to General Wayne, by Major Byles, that the enemy were moving off; on which General Wayne immediately came up, and ordered me to take post in a small point of wood, rode off from me and told me he would forward up more troops. I there saw a small body of British troops move off retiring, and the artillery wagons after them. The British horse moved off in regular order on the left of the rear of the artillery. A party of infantry appeared to me on the left flank, and appeared to go on as a flanking party. After the horse, a body of foot went off in columns in regular order, and kept their flanking party out in the same manner. I then sent word by Major Byles to General Wayne or General Lee, informing them in what manner the British troops were moving off, and that, in my opinion, if we had a mind to strike the enemy, that was the time to improve an advantage, as they were all in motion moving off. I then moved my party across a small morass, that they might not be in the way of other troops as they came up. When I got over the morass, General Wayne joined me, and ordered me to move on upon the enemy's left flank. I moved on about one-quarter of a mile, when the enemy made a halt at a small piece of wood, and their horse formed and faced about, and made a charge upon my party; we gave them a fire, they broke, and in their retreat from us broke through their own foot and disordered them; they then brought two or three pieces of cannon to bear upon us. General Wayne ordered me to move the party down into a small hollow, to cover them from

the fire of the artillery, and from thence to move them to a small piece of wood; he then left me and sent back Major Byles to me, ordering me to remain there until further orders. Our artillery then began to play pretty smartly amongst the enemy and caused considerable disorder amongst them. I remained in that condition for about ten minutes or one-quarter of an hour, before the enemy began to move towards the Court-house again; they moved on very slow, and, seemingly, very regular; continued so for about an half hour or more, making small halts and moving on, in which time there was a considerable cannonade on both sides, and some musquetry on my right, which I conceived was principally from our people. The enemy still continued moving on, and I saw a body of troops coming on that I had not seen before, in very regular order from what had been in the front of those who had moved off before; troops that had marched and were coming back again. The troops I first saw, appeared to be the rear guard of the whole army, and the other body I took to be the rear of the main body. I remained still better than a quarter of an hour, 'till the troops I have mentioned before seemed to have gained ground on our people; the fire going from me on my right. I then thought it was time to provide for the safety of my party, the enemy being on my right in front, and on my left, a large morass in my rear. I called the two Field Officers and asked them their opinion respecting our moving from that ground; they gave it as their opinion that we ought; we then retreated through the morass that was in our rear, and came by the way of Furman's mill, halted a small time to refresh the men. I ordered Major Ledyard to ride up towards the road we had advanced upon, to see where our people were, that we might join them again. He came back and informed me the enemy were moving on upon the plain ground, and it appeared to him our people had moved back. I then marched my party to one Craig's house, upon the left of our army, and saw a body of troops

formed there, which I afterwards found to be the left wing of the army.

Q. How great was the number of men the enemy returned with toward the Court-house?

A. They appeared to be about fifteen hundred foot, and between one hundred and fifty and two hundred horse.

Q. Did you see any of our troops at that time beside the party you had under your command?

A. No.

Q. Did you see any of our troops retreat that day?

A. No; only the troops under my command.

Q. Did you see any other body of the enemy besides the fifteen hundred foot and one hundred and fifty or two hundred horse you have mentioned?

A. Yes.

Q. How great was the number?

A. They appeared to me to be about five or six hundred foot.

Q. Do you recollect whether General Lee personally gave you orders to attack the enemy?

A. I do not recollect in any other manner than his ordering me to go on, but I considered the whole of the orders I received from General Lee and General Wayne previous to my attack, to go on and attack.

Q. Did you receive any orders from General Lee after he desired you to keep your troops secreted in the woods, so that the enemy should not perceive their approach?

A. No; I was then moving on towards the enemy.

General Lee's question. Did you understand from Major Byles that he delivered the message to me you desired him to deliver?

A. I do not recollect he ever informed me whether he did or did not; I never asked him about it.

MAJOR FISHBOURNE being sworn:

Q. Did you carry any message from Brigadier-General Wayne to General Lee on the 28th of June?

A. I did.

Q. What was it?

A. When General Wayne and myself, with Major Lenox, had got within a mile of the Court-house, he saw the enemy moving towards Middletown, with a body of horse in their rear. General Wayne then ordered me back to General Lee, to inform him that the enemy were moving on towards Middletown, begging him to forward on the troops. I came to General Lee and informed him what General Wayne had desired me; he made no answer, but rode back towards the troops, as I thought, in order to forward them on. I returned to General Wayne; by this time he had Butler's detachment across the morass. Butler's detachment was moving on in order to get upon the left flank of the enemy, when a body of the enemy's horse made a charge upon him, he formed his regiment and gave them a fire, at which the enemy's horse retired to their infantry, who also retired. General Wayne then sent me back to General Lee to inform him that the enemy were retreating, and to forward on the troops. General Lee said Pho, pho, it is impossible; and asked me who sent me? I told him General Wayne. Butler's detachment was ordered by General Wayne to file off to the left in a piece of woods. General Wayne, after Butler's detachment had gone off, crossed the morass himself, with Major Lenox. He there met with General Scott. They ordered Major Byles and myself to go and inform General Lee that the enemy were retreating, and begged him, for God's sake, to forward on the troops or the detachment which he had honored him with. Major Byles and myself rode back, and found General Lee about two miles in the rear with the retreating troops. I informed General Lee of the message; and General Lee desired me to inform General Wayne that he would see him himself immediately.

Q. Did General Lee forward on the troops that General Wayne requested?

A. Colonel Jackson's regiment came on.

Q. What time elapsed after you were sent with the first message to General Lee, before you were sent with the second?

A. About one hour, to the best of my knowledge.

Q. Were the enemy's troops retiring during this time, or advancing?

A. After Colonel Butler had repulsed their horse, they retired, and were retiring when I carried the second message.

Q. What time elapsed after you were sent with the second message to General Lee from General Wayne, before you were sent with the third?

A. About one half hour.

Q. Did General Lee see General Wayne himself to your knowledge?

A. He did not, to my knowledge.

Q. Were the troops that were retiring with General Lee in order or disorder?

A. They appeared to be in much disorder and much scattered.

Q. In what manner were they retreating?

A. They were retreating in small parties, perhaps a regiment or two might be together.

Q. Was General Lee in the rear or in the front of the retiring troops?

A. I think he was in the centre.

Q. Did you observe any body of men drawn up in the rear of the retiring troops to cover their retreat?

A. I did not, before I saw his Excellency General Washington come up and form Colonel Stewart's regiment in the rear of the troops as they were retiring.

Q. Did the troops appear to be retiring in haste?

A. They were retiring moderately.

Q. Were the enemy advancing on our troops as they were retiring?

A. They might have been, but I did not see them; my attention was drawn another way.

Q. How near was General Lee to his troops when

you carried the first message from General Wayne to him?

A. He was with his troops about half a mile in the rear of General Wayne.

Q. Where was he when you carried the second message?

A. He was reconnoitering with a party of our horse close by an orchard, within a mile and a half, to the best of my knowledge, of the town of Freehold.

Q. Had any of his troops advanced towards the enemy during that interval?

A. None that I perceived, except Butler's and Jackson's regiments.

Q. Had any advanced between the second message and the third?

A. None that I perceived.

General Lee's question. Did I give you any reason the second time you came to me, for saying it was impossible the enemy were retiring?

A. You did not.

LIEUTENANT-COLONEL SAMUEL SMITH being sworn:

General Lee's question. Did General Scott move his detachment over the morass, and recross it again in a short time, without receiving any orders from me about it, to your knowledge?

A. Our detachment moved across the morass; the head of our column made its appearance out of a point of woods, at the front of which was a large plain. A small cannonade began from the enemy. The detachment marched out of the woods into an orchard, where we were a-going to form, when orders came (I do not know from whom), that we should recross the morass and form upon the side of a very woody hill, in rear of the morass, where the whole detachment formed.

Q. Did any troops form with General Scott's detachment after you recrossed the morass?

A. There were none.

Q. When you advanced across the morass, did you see any men on your right or left?

A. No. We were advancing across the morass, when Major Mercer rode by and said, we shall cut off the enemy's advance, General Wayne is in front of them, and you will immediately be upon their flank.

LIEUTENANT-COLONEL RHEA being sworn :

Q. Did you carry any message from General Wayne to General Lee the 28th of June?

A. I carried one.

Q. What was it?

A. General Wayne ordered me to go to General Lee and to inform him the enemy's troops were all under way, and were moving the Middletown road; and desired me to let General Lee know the sooner he could follow him the better, as he intended to fall on their flank. I delivered the message to General Lee. General Foreman came up and immediately informed me he had orders to attend General Lee to direct the roads. I did not see General Lee afterwards, but returned to General Wayne.

Q. Did General Lee give you any answer to General Wayne's message?

A. I think he did.

Q. What was it?

A. That he would order his troops accordingly. I then mentioned a farther message that General Wayne gave me, which was, that he could not see the right of the enemy's line, and possibly there might be a body of infantry that lay in the woods upon that quarter to take him in. I apprehended he meant General Lee's party. I informed General Lee that the cavalry was in the rear; General Lee made a reply to that by saying, that the British never left infantry in the rear of cavalry. I farther mentioned, that it would not impede General Lee in his march, as I ordered a body of militia in that quarter to make a discovery if there should be any infantry there.

Q. Did General Lee move with his troops towards General Wayne?

A. Yes, immediately. General Foreman came up and directed the party the road.

Q. What number of troops were advanced to General Wayne's assistance?

A. The party that General Lee commanded.

Q. How far did they advance?

A. I do not know. I left General Lee immediately, and went another road to return to General Wayne.

Q. Did the detachment under General Lee, or any part of it, actually reinforce General Wayne?

A. I believe they did; but I did not see any of them.

The Court adjourns 'till to-morrow at eight o'clock.

JULY 13th.

The Court met according to adjournment.

LIEUTENANT-COLONEL LAWRENCE [LAURENS] being sworn:

Q. What was the strength of the corps under the command of General Lee, the 28th of June?

A. To the best of my knowledge, five thousand men.

Q. Did you fall in with troops under the command of General Lee the 28th of June?

A. I had been reconnoitring in the open grounds between Carr's house and Monmouth Court-house; I was there informed that General Lee, who had been ordered to advance and attack the enemy, had halted his column at about two miles and a half or three miles from the enemy. I immediately went to inquire the cause of it. I found Varnum's brigade repassing a bridge in front of the position which our army afterwards took. I addressed myself to General Lee, and informed him what I had seen of the enemy; he replied that his intelligence had been so contradictory that he was exceedingly embarrassed; upon my repeating, however, what I had seen, and by appealing to

Mr. Malmedie, who was with me, he ordered Varnum's brigade to march on towards the enemy. I then left General Lee, and went forward to reconnoitre in the neighborhood of the Court-house; I did not see him again until the enemy had left the Court-house, and formed with their right towards a wood, and their left in open ground. Soon after, three regiments, commanded by Colonel Stewart, Colonel Livingston, and another Colonel, issued from the wood below the Court-house, in order to turn the enemy's left; they had not arrived in open ground long before they were ordered, I think by Major Jamair, Aid-de-Camp to the Marquis de la Fayette, to fall back on the village; I assisted in conducting them to the village, and in forming them in the orchard in front of the village; General Lee was at that time in the rear of these troops, near the house which had been General Grant's quarters. I heard him ask if the troops were formed in the orchard, in such a way as led me to conclude that their retreat to that place had been made by his order. The troops had not been long formed in the orchard before they were ordered, I do not know who delivered the message, but I think it was by General Lee's order, to retreat and gain the wood; General Lee first directed that they should be thrown part into the woods on the left, and part into the woods on the right; but afterwards said, that these woods were at too great a distance from each other, and the troops continued retreating without distance between the corps sufficient for forming, and in some disorder, 'till they arrived at Carr's house. The Marquis de la Fayette was then ordered to form on the right by General Lee; the rest of the troops and the cannon continued retreating in disorder through the open fields towards the defile near Wikoff's house. Previous to this, I had received a letter from Lieutenant-Colonel Fitzgerald, written by his Excellency General Washington's order, in which he desired to know how matters were going on in the quarter where I was, and added, the General was ready to support with his whole

army. I delivered the letter to General Lee, and asked him to enable me to give an answer to it; he read it over once and hesitated; I repeated my request, to which he answered that he really did not know what to say. After the retreat of our troops from the village and the wood, the enemy pursued as far as the village, where they made a halt. Upon their advancing afterwards towards us, General Lee ordered the whole of our troops to retreat, and they retreated through the defile by Wikoff's house. It was there that I met his Excellency General Washington, who rallied some troops and made a stand. I saw nothing more of General Lee, as he was not with the rear of his troops.

Q. What was the situation of our troops when they first came up with the enemy?

A. I was on the right of our troops, and the first thing I saw was two pieces of cannon under the command of Colonel Oswald, unsupported by any infantry, on the extreme right of our troops. I expressed my uneasiness to Colonel Oswald on that account, and he desired that I would apply for some troops to cover his cannon. I went in search of General Lee and the Marquis de la Fayette, but could find neither of them at that time. In going in search of them I met the three regiments issuing from the wood to turn the enemy's left, but saw none of the rest of our troops, except what I took to be the heads of columns halted in the woods on our left; the main body of General Lee's corps was in these woods on our left; as I was on their right, I am not a judge of their particular situation.

Q. What was the situation of the enemy when our troops first came up with them?

A. When our troops arrived in the presence of the enemy, their right was supported by a wood in front of the village of Freehold, the wood to which the enemy's right extended, was in the forks of the road leading to Middletown and Shrewsbury; their left extended in the open grounds towards the village, and was covered by their cavalry.

Q. How strong did the enemy appear to be ?

A. They never appeared to me to consist of more than fifteen hundred infantry and cavalry, or two thousand at the most. The moment which they appeared most numerous to me was, when they were advancing in the open fields between Freehold and Carr's house ; they were then advancing in two columns, with their artillery and cavalry between the columns.

Q. Was any disposition made by General Lee for attacking the enemy ?

A. I heard General Lee say, that General Foreman was to pilot a column by a road which would lead them to the enemy's front as they were retreating, by which means he was in hopes of cutting them off. That is all I heard of any disposition being made for attacking the enemy, and why it did not take place I do not know.

Q. When General Lee ordered the troops to retreat from the orchard, did he mention any place they were to retreat to ?

A. He did not, in my hearing.

Q. Were the orders that you heard General Lee give the 28th of June, given distinct and clear ?

A. I thought General Lee seemed to be a good deal embarrassed, and that his orders were indistinct.

Q. Was the retreat made in an orderly or disorderly manner, and in what particular manner ?

A. There was no precise direction given in what manner the troops should retreat, that I know of. Near the Court-house they were in such a huddle that General Portal observed to General Lee, that terrible havock would be made amongst them by the enemy's grape-shot, if they should advance rapidly upon them, they in that condition. Afterwards, when our troops were retreating from Carr's house, the artillery of General Lee's corps was sent forward in front of the retreating troops, and there was none left to check the enemy's progress at a very advantageous defile.

Q. What was General Washington's intelligence con-

cerning the disposition of the enemy, previous to the orders given to General Lee?

A. That their rear guard consisted of their grenadiers, light corps and chasseurs. I repeat this from memory. I do not recollect that those were the exact words of the intelligence the General received.

Question by the Court. What intelligence did you give General Lee relative to the situation and circumstances of the enemy, when you rode back to him?

A. I informed him that while I was on the open ground between Carr's house and Freehold, two small bodies of the enemy, I took them to be regiments, marching by files, advanced in the woods on either hand, which manœuvre, I apprehended, was a final preliminary to their finally quitting the village, or was made with a design of driving away the small detachment of cavalry with which I was.

Question by the Court. What distance do you think it is from Freehold to Carr's house?

A. I do not think it is above half a mile.

Question by the Court. What was the situation of the enemy when the three regiments were ordered to retreat, that had been previously ordered to turn the enemy's left flank?

A. The enemy had changed their front to the left, and were advancing.

General Lee's question. What point of time was it I informed you that General Foreman was to conduct a column of mine through the woods, in order to take what we conceived a covering party of the enemy in their rear?

A. I think you told me that about the time that I reported to you that the enemy was formed.

General Lee's question. Do you recollect any other conversation I had with you than what you have mentioned, or any complaints I made to you?

A. I think you said that General Maxwell had removed his troops from a ground where he was ordered to remain, that otherwise the enemy would have been

taken in a forceps. I think you made a complaint respecting General Scott, but I do not recollect clearly what it was.

General Lee's question. Did you impute my embarrassment to my uneasiness, by having been counteracted by some officers under my command, to the contradictory intelligence I received, or to my want of a personal tranquillity of mind?

A. I imputed it to want of presence of mind?

General Lee's question. Are you sure that you saw the two pieces of cannon under Lieutenant-Colonel Oswald unsupported?

A. I am sure there was not a foot-soldier near them, except artillerymen.

General Lee's question. On which side of the ravine were they?

A. When I first saw them, they were on the near side, speaking relative to our position; they afterwards crossed and remained unsupported.

General Lee's question. Are you sure I gave no precise order in the manner the troops should retreat to the different corps?

A. I never heard myself of any orders being given, nor ever heard of any order being given by enquiring of officers.

General Lee's question. Were you ever in an action before?

A. I have been in several actions; I did not call that an action, as there was no action previous to the retreat?

General Lee's question. What time was it you reported to me the enemy were formed?

A. I do not know the hour, but it was previous to the manœuvre of the three regiments to the enemy's left, and while part of your troops were marching to the edge of the woods where they afterwards halted.

Q. Did you carry any express order from General Washington to General Lee respecting his attacking the enemy?

A. I did not.

Q. Did you see General Maxwell's brigade during the retreat?

A. Not in the first part of the retreat. They retreated through the woods.

Q. Had they been opposed to the enemy's right or left?

A. As I was on the right of our troops, I cannot answer particularly relative to their situation.

LIEUTENANT-COLONEL HAMILTON.

Q. What was the strength of the corps under the command of General Lee the 28th of June?

A. To the best of my knowledge the strength of the corps under his immediate command at English-Town, was about five thousand rank and file; besides these, Colonel Morgan, with about six hundred men, and General Dickinson at the head of a body of militia, as I understood, of eight hundred men, were subject to his orders for the purposes of co-operation.

Q. Did you fall in with the troops under the command of General Lee the 28th of June?

A. I had been sent by General Washington to reconnoitre the intermediate country between him and the advance corps under the command of General Lee, which I fell in with at some distance beyond the Court-house?

Q. What was the situation of General Lee's troops when you fell in with them?

A. They were issuing out of a wood on the left of the Court-house, in two or three small columns, so near to each other as, in my opinion, to be incapable of displaying, to which also their situation in the woods was an impediment. These columns were in an oblique direction with respect to the enemy, rather towards their right, and within cannon shot. I heard several questions about artillery, of which there seemed to be a deficiency, and some confusion appeared to exist with respect to their situation and circumstances. I think I

understood from General Lee, that some troops had been advanced through the woods towards the enemy's right. I rode up to the front of the columns, from whence I perceived the situation of the enemy, and observed their cavalry were filing off towards their left, as if with design to attempt something on the right of General Lee's troops; this I informed him of, and submitted to him whether it would not be proper to send some troops to counteract that manœuvre of theirs, and turn their left flank; he approved the suggestion, and authorized me to give orders for that purpose to a column on the right. The Marquis de la Fayette led this column, to whom I delivered the orders accordingly, which were to wheel by his right, gain and attack the enemy's left flank. After this, I was under the necessity of returning, to report to General Washington what I had done in the execution of his orders. To explain more particularly the situation of General Lee's troops, I would mention some circumstances that I have omitted: There appeared to be a continuation of the wood, out of which the columns were issuing towards the enemy's right; the ground in front of the columns, as far as the enemy, seemed plain and open, without any material obstacles; that which was more immediately occupied by General Lee's troops was something lower than that which was occupied by the enemy; but the difference, in my apprehension, was not so material as to be any considerable impediment to an attack, and the distance between the enemy and advanced corps was such, that it appeared to be extremely dangerous to change the position by a retrograde movement in the face of the enemy.

Q. What was the situation of the enemy, and numbers?

A. The enemy were drawn up with their right near a wood, their left on open ground covered by their cavalry, and forming an obtuse angle with the Courthouse; the whole force I saw at that time did not exceed eight hundred infantry and cavalry, to the best of my judgment, if there were so many.

Q. Was any disposition made by General Lee for attacking the enemy that you saw?

A. Only the one I have mentioned, the sending off troops to attack their left flank, and the one of which I believe I was told by General Lee of sending off troops to attack their right flank. I saw no co-operation with these movements by any general disposition of the remaining troops.

Q. Did you fall in with General Lee's troops afterwards?

A. I came up with them in their retreat a little time before the stand was made, by which the enemy received their first check. I heard General Washington say to General Lee, that it would be necessary for him (General Washington) to leave the ground and form the main body of the army, while I understood he recommended to General Lee to remain there, and take measures for checking the advance of the enemy; General Lee replied, he should obey his orders, and would not be the first man to leave the field. I was some little time after this, near General Lee, during which, however, I heard no measures directed, nor saw any taken by him to answer the purpose above-mentioned. I understood a body of our troops, commanded by General Wayne, and under him Colonel Stewart and Lieutenant-Colonel Ramsay, had been previously thrown into a wood on the left, in front of where I found General Lee, which, I was afterwards told, had been done by direction of General Washington. On the right I saw some pieces of artillery pretty advantageously posted, but destitute of covering and support. Myself and others observed this to General Lee; no troops were sent, that I know of, by his direction to supply the defect, but, on its being suggested that the cannon would certainly be lost if left there in so unsupported a condition, General Lee ordered them to be drawn off. Previous to that, I believe I rode towards Colonel Livingston, who was at the head of a detachment of troops, and strongly advised him to march to the succour of the

artillery; this he did not immediately do, but after some conversation between us, I saw him, when at a small distance, marching his detachment to do what I had recommended to him. I now lost sight of General Lee, and rode towards the rear, where I found Colonel Olney retreating with a part of General Varnum's brigade; I pressed him to form his troops along a fence which was near him, which he immediately performed, and had a smart conflict with the enemy. These were all the measures I knew of, taken by any part of the advanced corps to check the progress of the enemy, after my coming the second time to General Lee.

Q. Were the troops, when you fell in with them the second time, retreating in order or disorder, and in what particular manner?

A. The corps that I saw were in themselves in tolerable good order, but seemed to be marching without system or design, as chance should direct; in short, I saw nothing like a general plan or combined disposition for a retreat; in this, however, the hurry of the occasion made it very difficult to have a distinct conception.

Q. Was there any body drawn up in their rear to cover their retreat that you saw?

A. I saw no such thing.

Q. Were the orders that you heard General Lee give that day, given distinct and clear?

A. I recollect to have heard General Lee give two orders; at both times he seemed to be under a hurry of mind.

Q. Did General Lee, to your knowledge, advise General Washington of his retreat?

A. He did not, to my knowledge.

Q. What was General Washington's intelligence concerning the disposition of the enemy previous to the orders given to General Lee?

A. When the Marquis de la Fayette first went out with his detachment, I accompanied him. The next day, after we received intelligence that the enemy had

changed their disposition, and as they were presenting their rear to us had composed it of the flower of their army, consisting of their whole grenadiers, light infantry and chasseurs of the line. This intelligence I communicated by letter to General Washington the 26th of June, in the evening; which letter, I have since understood by some gentleman of the family, was received by him.

Question by the Court. What became of the troops of the advanced corps, after the time you saw Colonel Livingston moving to the succour of the cannon?

A. It was after this that I assisted in forming the troops under Colonel Olney. In the action they had with the enemy my horse received a wound, which occasioned me a fall, by which I was considerably hurt. This and previous fatigue obliged me to retire, and prevented my knowing what became of the detachments of the advanced corps after that circumstance.

Question by the Court. How far from Monmouth Court-house to the place the troops made the first stand?

A. The several events I have related passed so rapidly that I could not at that time form any accurate judgment as to the relative distances of places, and was prevented by indisposition from seeing them after the action.

General Lee's question. I should be glad to know from what point of action you mean, that you thought it would be dangerous to make a retrograde manœuvre?

A. In the first situation I found the troops beyond Monmouth Court-house, where I first fell in with them, and where, I believe, they first came in view of the enemy.

General Lee's question. Do you recollect who commanded the two pieces of cannon which you have mentioned were left unsupported, and were afterwards supported, as you say, by your advice?

A. I was not near enough to know the officers; but from what I have since heard, I am led to suppose that Captain Cook commanded them.

General Lee's question. Did you hear me address myself in person to Colonel Livingston's detachment, intreating them to draw off either to the right or left, from before the cannon, in order to give them the means of firing upon the enemy's cavalry, which was ranged exactly in front, and presented a very fine object?

A. I heard nothing of the kind; for I was not with that regiment at the time it got up with the artillery.

General Lee's question. Did you not express in the field an idea diametrically reverse of my state of mind, from what you have before mentioned in your testimony?

A. I did not. I said something to you in the field expressive of an opinion, that there appeared in you no want of that degree of self-possession, which proceeds from a want of personal intrepidity. I had no idea in my present evidence of insinuating the most distant charge of this nature, but only to designate that there appeared a certain hurry of spirits, which may proceed from a temper not so calm and steady as is necessary to support a man in such critical circumstances.

LIEUTENANT-COLONEL MEADE,

Q. What number of men did the advance corps consist of under General Lee the 28th of June?

A. I understood the number under General Lee's immediate command amounted to about five thousand.

Q. Did you fall in with the troops under the command of General Lee the 28th of June?

A. On the first firing General Washington heard, he ordered me to proceed and see General Lee, and know how matters stood. On my way I met with some troops retreating; I rode quickly by them, though [I] observed that the front of them was a good deal scattered, and no order observed. As I advanced, I found them in much better order, when I met with the Marquis de la Fayette, of whom I enquired where General Lee was; he directed me, and I found General Lee at a house

that I think is distinguished by the name of Carr's house. I informed him that General Washington had sent me for information of the situation of matters; his reply was, they were all in confusion; I told him that General Washington would be glad to know the particulars; that Mr. Harrison Randolph, an intelligent young gentleman, (who was present with me,) would communicate to General Washington whatever General Lee might say; that I myself would go on and get a view of the enemy. General Lee replied again, that he had nothing to say, but they were all in confusion. I went on towards Monmouth Court-house. Not very far from the enemy I met with General Wayne, who was, I believe, reconnoitring; some few words passed between us. I told him I would go nearer to the enemy myself, and make the best observations I could. I observed the front of the enemy advancing towards the village; I attended as much as I could to discern their numbers, and it appeared to me, (from the best of my judgment) that those in motion amounted to about seven or eight hundred infantry. As they advanced into the town, I inclined to my right; these waited till the light-horse came on, when I found it not safe to remain there, and returned. On my way to the Court-house, I met with no troops except a few scattered men; but on my return I saw Colonel William Butler and Colonel Guest nearly half way between Carr's house and Monmouth Court-house. Colonel William Butler asked me what he should do with the party under his command? I asked him if he had no superior officer there to apply to for directions? I think he told me none. I informed him of the situation of the enemy, and as his men were exposed to the sun at that time, and a wood not far from them, I advised him to take them into the shade, as they might be as useful as where they were. I returned, and soon after met with General Washington, and informed him of what I had seen. I remember General Lee's mentioning to me, (the time I do not recollect,) that General Scott had

been well posted in a wood, and that he had left it, for what reason he could not tell.

Q. Did you hear General Lee give any orders to his troops while you were with him?

A. None.

Q. Were there any steps taken by him or others (while you were with him) to get the troops in order, that you saw?

A. None. I was with him but a very short time, and saw but very few troops where he was.

Q. What was General Lee about when you came up with him?

A. He was sitting on his horse, doing nothing that I saw. There were some gentlemen around him; I do not know what he might be saying to them.

Q. Did General Lee advise General Washington of his retreat, to your knowledge?

A. I do not know that he did.

Q. Did you hear any conversation pass between General Lee and General Washington the 28th of June?

A. I heard General Lee remind General Washington that he was averse to an attack or a general engagement, or words to that purport; and I think I heard General Lee also tell General Washington that he was against it in Council, and that while the enemy were so superior in cavalry we could not oppose them.

Q. What time of the day did this conversation take place?

A. It was shortly after I returned from Monmouth Court-house, and I conjecture shortly after General Washington had got up to General Lee.

Q. When General Lee mentioned to you that they were in confusion, did he express himself in a distinct and clear manner?

A. I understood him clearly.

Q. How far was it from General Lee, when he said they were all in confusion, to the place the enemy then were?

A. I should suppose it about a mile.

General Lee's question. Did you conceive I meant that the confusion arose from certain officers quitting their posts without authority, contradictory intelligence, or some such circumstances, or positively that the troops were in confusion?

A. I had no idea of the confusion being partial, but that you meant the troops in general were in confusion.

The Court adjourns till to-morrow, nine o'clock.

JULY 14th.

The Court met according to adjournment.

COLONEL OGDEN being sworn :

Q. Did you march with the troops under the command of General Lee towards the enemy the 28th of June?

A. Yes. General Maxwell's brigade, to which I belonged, together with General Scott's and General Wayne's detachments, lay at the Sun-Tavern, about five or six miles from Allen-Town, on the Monmouth Court-house road, when we received orders to join General Lee at English-Town. We joined General Lee the 27th. The 28th, in the morning, the brigade was ordered to parade and march to Craig's mills; after we had marched a few hundred yards, that order was countermanded, and we were ordered to join the troops that had gone towards the Court-house. We joined them at or near Freehold Meeting-house; we marched on the Monmouth Court-house road from that place about a mile and a half, or two miles, when we took a left-hand road, which we followed about a half a mile, when we received orders to go to the right-about; we then marched back into the Monmouth Court-house road, which we crossed inclining to the left, till we came to a large clear field. General Maxwell was then in front; I rode to him, and enquired where the brigade was to form; he told me he had no orders to form, and desired I would lead on the brigade in the direction

they were then marching. At this time I did not consider it as a retreat, but expected we were going to form. At this time I saw two columns of our men coming up from towards the Court-house. I saw, I think, two or three pieces of artillery halted; the limbers were taken off. I heard mention being made of, I think, Colonel Stewart's regiment being ordered to cover this artillery; the other troops continued to march from the Court-house. At this time I saw a Mr. Wikoff ride up to General Lee, and began giving him some information; he was interrupted by General Lee, and put off. The brigade was still moving on from the Court-house. I rode again to General Maxwell, and asked him where the brigade should form. He said he had no orders for forming them. By this time we had crossed the morass that was between the enemy's encampment and ours the evening after the action, and came near the hedge-row. At this time I saw no disposition for facing the enemy, but understood that General Maxwell had orders to move his brigade near to some cross-road. I begged of General Maxwell to let me halt my regiment; he consented, and I drew them up on the left of the hedge-row, in a piece of wood, expecting to have had an opportunity of covering our men retreating. After I had been there six or eight minutes, Major Ogden came to me; he asked me how he could be of the most service to me; I told him by reconnoitring the enemy and giving me notice. As long as my right flank was secure, on my left was a morass, I apprehended no danger from that quarter. A few minutes after this, one of General Lee's Aids came to me, and told me that General Lee expected that I would not leave that ground; I told him that he might assure General Lee that I should not leave it as long as my right flank was secure. In a short time after this, there was a pretty smart firing of musquetry on the right, in my front, immediately on which, a number of our men that had been engaged, retreated towards me in a direct line from the enemy; immedi-

ately on which I saw the enemy had crossed the morass on my left, and was moving down on that quarter, on which I ordered a retreat.

Q. Who did the order come from to go to the right-about?

A. I do not know. It came to me from Colonel Dayton.

Q. Were the two columns of our men that you saw retiring, retiring in order or disorder?

A. In order.

Q. Did you receive any other order from General Lee the 28th of June, besides the order you received by his Aid?

A. No.

General Lee's question. Do you conceive I prevented Mr. Wikoff giving me information, and sent him off in a huff?

A. I thought so. Mr. Wikoff in some measure apologized, as if he had looked upon it rather as an intrusion, and turned off.

General Lee's question. Did you hear the conversation between me and Mr. Wikoff?

A. I did not. There was no conversation. He came up as if to give you information, and you put him off, as I have before mentioned.

LIEUTENANT-COLONEL FITZGERALD.

Q. What was the strength of the advance corps under the command of General Lee the 28th of June?

A. About five thousand, according to the best information I could receive.

Q. Did you fall in with the troops under the command of General Lee the 28th of June?

A. I did. In the morning three other Aids belonging to General Washington had been sent on other business; I was the only one that remained with him, until we went about two-thirds of the way from English-Town to where the action was; Colonel Hamilton then returned and pointed out to General Wash-

ington the necessity there was of sending part of the army upon our right, in case of an accident to the troops under the command of General Lee, or the enemy's attempting to turn that flank. General Knox came up soon after: he urged the necessity of it in very strong terms, and, to the best of my recollection, made use of the word confusion, which I understood he meant to be in the troops under General Lee: that when he left them some confusion appeared: accordingly a part of the army was ordered that way. Colonel Harrison and myself then requested leave of the General to ride on to see what situation things were in: we had not got far before we met many scattering troops: upon asking where they were going they said they were ordered back to refresh themselves. We then met other large parties coming off, some in tolerable good order, others in great confusion. We asked the officers, sometimes together, sometimes separately, what could be the cause of it, or where they were going to? The general answer was, that they were ordered to retreat, but did not know to what place. When we came towards that defile on the left of Mr. Wikoff's house, where the first stand was made, we there met a great many coming off, rather in disorder. A French gentleman, who I believe to be Colonel Garion, second in the Engineer Department, told me that our men were retreating in great disorder, and the enemy pressing close upon them; that that was an advantageous piece of ground, and begged I would give orders to stop two pieces of cannon there, that were just passing, in order to cover the retreat of our men. I told him I was not authorized to give any orders, and Colonel Harrison and myself proceeded towards Carr's house. I there saw General Lee sitting on horseback at the fence, and the enemy advancing, at I think, better than half a mile distance. I had some talk with Captain Mercer, one of General Lee's Aids, and, among other questions, asked him the meaning of the retreat. I do not recollect

the words of his answer, but he gave me to understand that we were all very much deceived, and that instead of finding a covering party as was expected, the enemy's whole force was drawn up to receive them. Some few troops were drawn up in the rear of this fence where General Lee was; they soon after marched off, by whose order I do not know. Colonel Harrison and myself remained reconnoitering the enemy; he asked me if I thought there could be more than a thousand of them. I told him I believed there were from twelve to fifteen hundred. About this time General Lee rode back towards that defile, with some scattering troops; I then advanced through a grain field, where Colonel Dehart was taking a view of the enemy, and remained there until we thought it imprudent to stay any longer, as the British light-horse began to come pretty near. Previous to this, while we were at the fence, Colonel Harrison asked a number of gentlemen who were round us, if they understood whether or no General Washington had any information of the situation of things; upon no answer being made, he proposed that he or I should return and acquaint him with what I saw. He soon after repeated this proposal, upon which I pressed him to return and give the General an account. After leaving the grain field, I rode back towards the defile, and after crossing it, found General Washington on the high ground, giving orders for rallying some troops towards opposing the progress of the enemy at this point. He enquired for some cannon, and was told they had gone forward. He then ordered some pieces to be immediately brought back. Upon my coming up to him, he asked me if I was able to find out the meaning of the retreat. I told him not, that I expected that would be a subject of enquiry for a future day, but in the mean time, some great exertions must be used, as the enemy were pressing on. By this time Lieutenant-Colonel Oswald returned with, I believe, two pieces of cannon, and the enemy's cannon appeared on the other side of the run; General Washington ordered the

troops under Colonel Stewart and Lieutenant-Colonel Ramsay to incline to their left, that they might be under cover of a corner of woods, and not exposed to the enemy's cannon that were in their front. He then retired, as I suppose, to give orders for the formation of the other part of the army. A warm cannonade then began, two or three pieces of cannon being brought up to the assistance of Lieutenant-Colonel Oswald. Lieutenant-Colonel Oswald then rode up to me, told me that his men were exceedingly much fatigued, and would not be able much longer to work the pieces; I referred him to General Knox, who was within a small distance. Soon after this a heavy fire began between the troops under Colonel Stewart and Lieutenant-Colonel Ramsay and the advanced troops of the British army, in the skirt of the woods before-mentioned. Colonel Oswald rode up to me again, seemed much embarrassed and distressed for the preservation of his pieces, and said he must certainly lose them, as he had no infantry for their support. By this time Colonel Stewart and Lieutenant-Colonel Ramsay's men were obliged to give way, and the enemy pressed on close, but were checked by a detachment which I supposed to be under the command of Colonel Livingston. I then turned to the rear of Lord Stirling's line, where General Washington was; there I saw General Lee; Captain Mercer came up and asked me if I was now convinced that the whole of the British army was there? To the best of my recollection, I told him I had formed no such opinion.

Q. How strong did the enemy appear to be as they were advancing?

A. I think from twelve to fifteen hundred. I do not recollect, whether my idea (at that time) took in their cavalry or not.

Q. Did you hear General Lee give any orders to the troops when you saw him at Carr's house?

A. I think from my going there until General Lee retired off that field, was from twenty minutes to one-

half an hour; during which time I heard no orders given, nor saw any plan formed or adopted for checking the progress of the enemy.

Q. Did General Lee appear tranquil or disturbed?

A. General Lee appeared serious and thoughtful.

Q. Did you hear any conversation take place between General Lee and General Washington that day?

A. No. General Lee had rode up to General Washington before I returned, as I afterwards understood.

Q. Were the troops you saw retreating in order or disorder, and in what particular manner?

A. They mostly retreated rather in disorder, which appeared to me to have proceeded as much from being ignorant of the place they were to go to, as from the retreat itself. Some were retreating in column and some scattered.

Question by the Court. Did you understand there was any covering party appointed to the artillery of Lieutenant-Colonel Oswald's that day?

A. I did not.

LIEUTENANT-COLONEL HARRISON being sworn:

Q. How strong was the detachment under the command of General Lee the 28th of June?

A. I never saw a regular return of that detachment, but understood it amounted to about five thousand rank and file, exclusive of the corps under Colonel Morgan.

Q. Did you fall in with the troops under the command of General Lee the 28th of June?

A. On the 28th of June, as one of His Excellency's suite, I marched with him till we passed the Meeting-house near Monmouth, to where the roads forked. When we came to where the roads forked, His Excellency made a halt for a few minutes, in order to direct a disposition of the army. The wing under General Green was then ordered to go to the right to prevent the enemy's turning our right flank. After order was given in this matter, and his Excellency was proceed-

ing down the road, we met a fifer, who appeared to be a good deal frightened. The General asked him whether he was a soldier belonging to the army, and the cause of his returning that way; he answered, that he was a soldier, and that the Continental troops that had been advanced were retreating. On this answer the General seemed to be exceedingly surprized, and rather more exasperated, appearing to discredit the account, and threatened the man, if he mentioned a thing of the sort, he would have him whipped. We then moved on a few paces forward, (perhaps about fifty yards,) where we met two or three persons more on that road; one was, I think, in the habit of a soldier. The General asked them from whence they came, and whether they belonged to the army; one of them replied that he did, and that all the troops that had been advanced, the whole of them, were retreating. His Excellency still appeared to discredit the account, having not heard any firing except a few cannon a considerable time before. However, the General, or some gentleman in company, observed that, as the report came by different persons, it might be well not wholly to disregard it. Upon this I offered my services to the General to go forward, and to bring him a true account of the situation of matters, and requested that Colonel Fitzgerald might go with me. After riding a very short distance, at the bridge in front of the line that was afterwards formed on the heights, I met part of Colonel Grayson's regiment, as I took it, from some of the officers that I knew. As I was in pursuit of information, I addressed myself to Captain Jones, of that regiment, and asked him the cause of the retreat, whether it was general, or whether it was only a particular part of the troops that were coming off? I do not precisely recollect the answer that he gave me; but I think, to the best of my knowledge, he said, Yonder are a great many more troops in the same situation. I proceeded and fell in with Lieutenant-Colonel Parke; these troops were rather disordered. The next officer

that I was acquainted with was Lieutenant-Colonel William Smith. I addressed myself to Colonel Smith, and asked him what was the cause of the troops retreating, as I had come to gain information? who replied that he could not tell, that they had lost but one man. I then proceeded down the line, determined to go to the rear of the retreating troops, and met with Colonel Ogden. I asked him the same question, whether he could assign the cause, or give me any information why the troops retreated. He appeared to be exceedingly exasperated, and said, By God! they are flying from a shadow. I fell in immediately after with Captain Mercer, who is Aid-de-Camp to Major-General Lee, and, expecting to derive some information from him, I put the same question to him. Captain Mercer seemed, by the manner of his answer, (as I addressed myself to him, saying, For God's sake, what is the cause of this retreat?) to be displeased; his answer was, if you will proceed, you will see the cause; you will see several columns of foot and horse. I replied to Captain Mercer that I presumed that the enemy was not in greater force than when they left Philadelphia, and we came to that field to meet columns of foot and horse. The next field-officer I met was Lieutenant-Colonel Rhea, of New Jersey, who appeared to be conducting a regiment. I asked him uniformly the same question for information, and he appeared to be very much agitated, expressed his disapprobation of the retreat, and seemed to be equally concerned (or perhaps more) that he had no place assigned to go where the troops were to halt. About this time I met with General Maxwell; and agreeable to the General's direction to get intelligence, I asked him the cause. He appeared to be as much at a loss as Lieutenant-Colonel Rhea, or any other officer I had met with; and intimated that he had received no orders upon the occasion, and was totally in the dark what line of conduct to pursue. I think nearly opposite to the point of wood where the first stand was made, I saw General Lee. I do not

recollect that anything passed between us, but General Lee's asking me where General Washington was; and my telling him he was in the rear advancing. I then went to the extreme of the retreating troops, which were formed of Colonel Stewart's regiment, and found them in the field where the enemy retreated to, just beyond the defile. I addressed myself to General Wayne, General Scott, and, I believe, to Colonel Stewart, and to several other officers who were there; and asked General Wayne the cause of the retreat, who seemed no otherwise concerned than at the retreat itself, told me he believed it was impossible to tell the cause; and while we were standing together, which I supposed might be three or four minutes, the enemy's light infantry and grenadiers came issuing out of the wood, pressing very hard upon us at about two or three or four hundred yards distance. The troops that had been halted were put in motion. I had some conversation with General Wayne relative to a disposition of the troops, if nothing could be done to check the advance of the enemy, who seemed to consider the matter exceedingly practicable, provided any effort or exertion was made for the purpose, alledging that a very select body of men had been that day drawn off from a body far inferior in number. General Wayne then told me, that as General Washington might not be perfectly well acquainted with the country, that it might be well to advise him of a road, if I met him, that led by Taylor's Tavern, on which it would be necessary to throw a body of troops, in case the enemy should attempt to turn our right flank. I, upon this, left General Wayne, and galloped down the line to meet General Washington, to report to him the state of our troops, and the progress of the enemy. I met General Washington at the point of wood, or near it, where the first stand was made, and reported to him what I had seen, adding that the enemy were pressing hard, and would be upon him in a march of fifteen minutes; which (I have since understood) was the first informa-

tion he received of the enemy being so close upon our retreating troops. We remained there a few minutes until the extreme rear of our retreating troops got up. The General looked about and said that it appeared to be an advantageous spot to give the enemy the first check. General Wayne came up at the same time, seemed to be anxious for the measure, and thought it a very good place also. General Washington, upon this, called for one or two battalions to check the enemy at that spot, and asked What officers he should use upon the occasion. General Washington seeing Colonel Ramsay, called on him, and told him he was one of the officers he should depend upon that day to give the enemy a check, and seeing Colonel Stewart, I believe he addressed himself to him in the same manner. The battalions were formed, I believe, under the direction of General Wayne; and General Washington observed, that he would ride back and make a disposition of the army, while these troops acted to check the advance of the enemy. There were, at the same time, two pieces of artillery, I think, ordered to form upon the right of these troops; I believe they were ordered to form by General Washington, as I heard him to call out for some artillery at the time he gave orders for the battalions. In a little time the troops inclined to the left, advancing still under the direction of General Wayne, into a piece of woods, and there they stood and received the fire of the enemy. Much about this time, near the point of woods, if I mistake not, I saw General Lee, and I remember some conversation passed between him and Colonel Hamilton. From the tenor of General Lee's question to Colonel Hamilton, Hamilton had either suggested some measure to General Lee, which Hamilton conceived proper, and which was disapproved by General Lee, or had condemned some measure that had been adopted by General Lee; because I recollect General Lee asked Hamilton, Do I appear to have lost my senses, or do I appear to be out of my senses? or a

question of that import. The troops, in a short time, were driven out of the wood and we retreated; the two pieces of artillery that were placed on the right, I saw left entirely unsupported and uncovered, as the two battalions to which they were attached had inclined to the left and gone into the wood. The two pieces of artillery began to retreat and fell back the distance of thirty or forty yards, when it was observed, as I think, by some gentleman, that there would be great danger of the British troops turning the point of woods and falling upon the right flank of the two battalions under Colonel Stewart and Lieutenant-Colonel Ramsay. Colonel Hamilton and some other persons rode up, and requested the officer to advance again to the ground they had left with the artillery, for the purpose of firing upon the enemy. I saw at this time, Lieutenant-Colonel Oswald, of the train, who appeared to be exceedingly anxious for the security of his pieces there being unsupported, and I think he asked some gentleman what he should do, or could do with the pieces in that situation; he was referred to General Knox, who was but a very small distance from us. General Knox seemed to be under the same embarrassment, and thought they were in a very dangerous condition; but upon its being observed by some gentleman that these pieces would be of infinite advantage to check the progress of the enemy, he called out for some troops to cover them, and called upon his friend, Colonel Harry Jackson, by name. Whether any troops came or not I do not recollect.

Q. Did you hear General Lee give any orders that day?

A. I do not recollect to have heard General Lee give any order that day. I was with General Lee twice, and then but a very short time, perhaps not above five minutes.

Q. What was General Washington's intelligence concerning the disposition of the enemy, previous to his orders to General Lee?

A. Before the army marched from Cranberry, General Washington was informed, by a letter from Colonel Hamilton, on the 26th of June, who was on a detachment with the Marquis de la Fayette; his expressions were, from what I have heard and seen, the enemy have made a very judicious disposition. They have placed their baggage in front, and the whole of their flying army in the rear, with a strong rear guard of a thousand men, at four hundred paces distant; adding, that unless the army were in supporting distance, he did not think it advisable for that detachment to attack them. This is the substance of the intelligence.

Question by the Court. Did you discover or understand, upon your advancing towards the enemy, that they were in great force?

A. I do not know what number of the enemy might have presented themselves to persons who had been as far down as Monmouth Court-house, or below where I was, but I did not myself, according to the best of my judgment, see two thousand of the enemy that day, including their cavalry, and taking in a column that advanced towards our left.

DOCTOR M'HENRY being sworn :

Q. What capacity were you in in the field the 28th of June?

A. As one of His Excellency General Washington's suite.

Q. Did you see General Lee the 28th of June?

A. I saw him previous to his retreat and after his retreat.

Q. Where did you see him?

A. On the road with his troops, they on their march towards the enemy, a little on the left of Monmouth Court-house, but how far to the left, whether on this side or beyond it, I cannot fix by description; I told him I had come from the General, and asked him if he had any information to send back by me, as I was

returning again; he desired me to inform His Excellency that the enemy did not appear to well understand the roads—that the route he was then on cut off two miles—that the rear of the enemy was composed of fifteen hundred or two thousand—that he expected to fall in with them, and had great certainty of cutting them off. I then took my leave of General Lee, and had got above twenty yards from him when he called M'Henry, and I returned to him. You will also, said General Lee, tell His Excellency that General Wayne and, I think, Colonel Butler, are amusing them with a few loose cannon shot, while I perform this route; say also to him that the enemy are constantly changing their front, which is a usual thing with those who retreat. I then left the General; he spoke it with a fix'd and firm tone of voice and countenance, which suggested to me the certainty of succeeding, and I made the report accordingly to General Washington.

Q. Where did you see General Lee after the retreat?

A. While General Washington was forming the regiments under Colonel Stewart and Lieutenant-Colonel Ramsay, General Lee came up. General Washington, upon his approaching, desired of General Lee the cause of the retreat of the troops? General Lee hesitatingly replied, Sir, Sir. General Washington then repeated, I think, the question a second time; I did not clearly understand General Lee's reply to him, but can just remember the words confusion, contradictory information, and some other words of the same import. The manner, however, in which they were delivered, I remember pretty well; it was confused, and General Lee seemed under an embarrassment in giving the answer. I saw General Lee where Lord Stirling was formed, a little after the time Colonel Stewart and Lieutenant-Colonel Ramsay had given way; he there mentioned to His Excellency and some others that were round him, that effects such as happened to-day, would always be the consequence of a great superiority in cavalry; Gen-

eral Lee said something at the same time of his being against the measure, but what measure it was I do not certainly know; I saw General Lee again at English-Town, when I was ordered to go and send the baggage forward, in case the day should prove unlucky. The General was on horseback, observing to a number of gentlemen who were standing round, that it was mere folly or madness, or words that conveyed to me a meaning of that kind, to make attempts against the enemy where they possessed so great a superiority in cavalry, and that, under such circumstances, we could not be successful. I then returned to His Excellency.

General Lee's question. When I expressed a disapprobation of committing our troops to the enemy when they had so great superiority of cavalry, did I not add, in a level country?

A. I left you abruptly, and while you were speaking to others, you might have mentioned it to them; I did not hear it.

COLONEL TILGHMAN being sworn :

Q. Did you see General Lee the 28th of June?

A. On the 28th of June, as General Washington was advancing with the main body of the army between English-Town and Freehold Meeting, he met with Colonel Hamilton, who told him he had come from our advance corps, and that he imagined from the situation he had left our van and the enemy's rear in, they would soon engage. He advised General Washington to throw the right wing of the army round by the right, and to follow with the left wing directly in General Lee's rear to support him. He gave reasons for this disposition, which were thought good. While order was giving to make the disposition, a countryman rode up; on being asked where he came from, he said, from towards the Court-house; he was asked what news? he said he heard our people were retreating, and that that man, pointing to a fifer, had told him so. General Washington not believing the thing to be true, ordered the fifer

under the care of a light-horseman, to prevent his spreading a report and damping the troops who were advancing; but that certain intelligence might be gained, Colonel Fitzgerald and Colonel Harrison were sent forward; General Washington then rode on himself, and between Freehold Meeting and the morass that parted the two armies during the day, he met two regiments—Colonel Grayson's and Colonel Patton's; Captain Moore, I think, was at the head of Grayson's regiment; upon the General asking him where these troops were going, the officer at first said they had been very much fatigued, and had been ordered off to refresh themselves; he then said the particular duty they had been upon was to secure two pieces of cannon which had been left upon some part of the field in danger. The General then desired him to take his men into a wood near at hand, as they were exceedingly heated and fatigued, and to draw some rum for them, and to keep them from straggling. The General asked the officer who led, if the whole advanced corps were retreating? He said he believed they were. He had scarcely said these words when we saw the heads of several columns of our advanced corps beginning to appear. The first officers the General met were Colonel Shreve and Lieutenant-Colonel Rhea, at the head of Colonel Shreve's regiment. The General was exceedingly alarmed, finding the advance corps falling back upon the main body, without the least notice given to him, and asked Colonel Shreve the meaning of the retreat; Colonel Shreve answered in a very significant manner, smiling, that he did not know, but that he had retreated by order, he did not say by whose order. Lieutenant-Colonel Rhea told me that he had been on that plantation, knew the ground exceedingly well, and that it was good ground, and that, should General Washington want him, he should be glad to serve him. General Washington desired Colonel Shreve to march his men over the morass, halt them on the hill, and refresh them. Major Howell was in the rear of the

regiment; he expressed himself with great warmth at the troops coming off, and said he had never seen the like. At the head of the next column General Lee was himself, when General Washington rode up to him, with some degree of astonishment, and asked him what was the meaning of this? General Lee answered, as Dr. M'Henry has mentioned, Sir, Sir. I took it that General Lee did not hear the question distinctly. Upon General Washington's repeating the question, General Lee answered, that from a variety of contradictory intelligence, and that from his orders not being obeyed, matters were thrown into confusion, and that he did not chuse to beard the British army with troops in such a situation. He said that besides, the thing was against his own opinion. General Washington answered, whatever his opinion might have been, he expected his orders would have been obeyed, and then rode on towards the rear of the retreating troops. When General Lee mentioned that his orders had been disobeyed, he mentioned General Scott particularly; he said General Scott had quitted a very advantageous position without orders. General Washington had not rode many yards forwards from General Lee, when he met Lieutenant-Colonel Harrison, his secretary, who told him that the British army were within fifteen minutes march of that place, which was the first intelligence he received of their pushing on so briskly. The General seemed at a loss, as he was on a piece of ground entirely strange to him; I told him what Lieutenant-Colonel Rhea had told me of his knowing the ground; he desired me to go and bring him as quick as possible to him; to desire Colonel Shreve to form his regiment on the hill, which was afterwards our main position, and, I think, to get the two small regiments of Grayson's and Patton's there also, that the line might be formed as quick as possible. I conducted Lieutenant-Colonel Rhea back to the General; when I got there, I saw Colonel Livingston beginning to form his regiment along the hedge-row, where the principal

scene of action was that day. Our retreating columns took up a great piece of ground, and there was one upon our left so far that the General thought it was a column of British troops endeavouring to turn our left; he desired General Cadwallader and myself to ride over and see what troops they were. I then left the hill, and did not see General Lee afterwards.

Q. Were our troops that you saw retiring, retiring in order or disorder, and in what particular manner?

A. The two regiments we first met, were in some disorder, the men were exceedingly heated, and so distressed with fatigue they could scarcely stand; the others, so far as their keeping their ranks in battalion or brigade, I think, were in tolerable good order; but as to columns respectively in great confusion, as I am convinced a line could not have been formed of them in that situation. They neither kept proper intervals, nor were the heads of columns ranged.

General Lee's question. Was there a defile in the rear?

A. There was.

The Court adjourns till to-morrow, nine o'clock.

JULY 15th.

The Court met according to adjournment.

DOCTOR GRIFFITHS being sworn :

Q. Had you any conversation with General [Lee] the 28th of June respecting the affairs of the day?

A. I recollect perfectly well overtaking General Lee the 28th of June, about one hour and a half after the action commenced, about half way between the Meeting-house and English-Town, as near as I can recollect, as he was retiring at the head of his column. I asked the General, when I first overtook him, what appearance or what face things wore? his answer was, as I expected. I heard the General repeat the same to a number of persons at English-Town, who had asked

him the same question, in almost the same words. From what followed in conversation, I thought his expectation was, that the day would be disgraceful to the American arms; and as sure as we did attack, we would be beat, and he went on to assign reasons for it; the superiority of the enemy in point of discipline, that they outflanked us in cavalry, and that they out-manceuvred us, were urged by General Lee. General Lee asserted that his advice had ever been contrary to a general action, for the reasons I have already mentioned, and that it was impolitic or imprudent to risk anything, when we were sure of succeeding in the main point; that the connection with France would secure our independency, and the American arms wanted no addition to their reputation. General Lee asked me what reasons could be assigned? I told him it might add some lustre to their arms; he said they needed none; he added, that it had been determined upon in a council of officers, not to risk anything by an attack; notwithstanding that, he had that morning received positive orders from General Washington to attack. General Lee likewise was of opinion that Congress would be offended at it, and asked me what I thought Congress would think of it; I understood from him that it was contrary to their sense. I recollect General Lee's complimenting the officers and men on their conduct that day, and he appealed to them for his conduct whether he did not appear cool and possess himself. General Lee also mentioned he was going to English-Town by order of General Washington, to possess himself of the heights, in case any disaster should happen to the army. I understood General Lee, he seemed to think it would be taken amiss, or had been, I don't recollect which, that he had retired that day, and he appealed to the officers whether he was disconcerted, or whether he was cool and firm.

LIEUTENANT-COLONEL WILLIAM SMITH being sworn:

Q. Were you with the troops under the command of General Lee, the 28th of June?

A. Yes.

Q. Did you receive any orders from General Lee the 28th of June?

A. Yes; from General Lee and his Aid-de-Camp Major Mercer. The first order I received was from Major Mercer, after Colonel Jackson's corps were retiring from the field they were cannonaded on; we marched by the left, and in consequence the lead of the battalion fell to me. I met Major Mercer as I was crossing a morass, where the grenadiers took the lead, and I fell in the rear of the regiment, who desired me to proceed on and form on the left of the line; that General Lee had formed in the wood; we retired nearly upon the same road that we advanced, crossed the road and went into the field in front of the field where the battle was fought, where I saw a considerable number of troops retiring, and a body upon our left forming. General Lee rode up to the regiment and spoke in these words: This blue regiment must form behind this fence; the fence was then in our rear. I told him the commanding Officer was in front, if the orders were given there the whole regiment would halt; he insisted upon the regiment's being formed immediately. I then stepped out and ordered them to the right-about, and marched them to the fence, where I formed them; but, to my great surprize, after they were formed, I found there was but one-half of the battalion, occasioned, I imagine, by their not heeding me in front. Colonel Jackson then came to me, and demanded the reason of my dividing the regiment. I told him that it was by General Lee's order that I had marched the men to that post, and had no idea of making a separation; he then ordered me to file off and join the other half of the battalion, which I obeyed. Upon Colonel Jackson's ordering me off, General Lee rode up, seemingly angry at our movement, being contrary to his direction, clapped his hand upon his sword, and demanded the reason of the regiment's leaving the post. I was then in the rear, ran forward to General Lee, told him I thought an

apology necessary, that I had fully obeyed his orders, but received counter orders from my superior officer, which I was obligated to obey. Colonel Jackson and General Lee then had some conversation together, and this half of the regiment proceeded on to join the other. Before I could overtake the front of the regiment, General Lee rode up to me a second time, and ordered me to form the line there; being then in the open field, General Lee told me he meant to effect a retreat, and I was stationed there to cover it. I then sent off Captain Jarvis, of Colonel Jackson's regiment, to Major Taylor, who led the right wing of the regiment, with orders to march it back again and join me immediately, which he did. Some time after we were formed, I observed His Excellency General Washington riding up; I rode up to him, told him that General Lee had ordered me to form the line there, that my men were fatigued, and the sun very hot, begged his permission to advance to a wood, about four or five hundred yards in our front, where my men would be screened from the rays of the sun, and have the advantage of the cover of the wood if the enemy should advance; His Excellency thought it best, and desired me to lead the regiment on; before I reached the wood, Colonel Jackson came up to me and asked me the reason of my marching the regiment; I gave him my reasons, and he ordered me to file off and retire; then led us off the field to English-Town.

Q. Were the troops you saw retiring, in order or disorder?

A. They marched in order, as to their own corps, though the different corps were so close together that the line, in my opinion, could not be formed, without considerable confusion.

Q. Did you find the line in the wood that Major Mercer ordered you to retire to, and form on the left of?

A. I am led to imagine, that by the route we took, we accidentally avoided the post Major Mercer intended, as we had no person with us to direct to us the spot where the troops were forming.

General Lee's question. Do you recollect whether the country was of such a nature, there being so many defiles, as to admit of the different corps marching in columns at such distances as to be formed into lines?

A. I recollect that the troops, previous to my making this observation, had passed a defile, which might have been the occasion of their situation, but upon the ground they then were I think there was room sufficient.

General Lee's question. Do you recollect any defile after the one you have mentioned in our front as we were retiring?

A. The defile in the rear of the field of action, which was in our front as we were retiring, is the only one I know of.

General Lee's question. At the several times you saw me, did I appear to be possessed of myself, being calm and distinct?

A. Perfectly so.

Question by the Court. What occasioned your regiment first to retire?

A. We were in the open field, exposed to the cannon of the enemy, without any apparent probability of our having the shot returned, I observed the front of the battalion inclining to the left, to take shelter in a copse of wood, which, when we had gained, I went up to Colonel Jackson, asked him what his orders were; he told me he had none; I begged him to send for some immediately; he then left me. I formed the regiment on the right, and presented a front to the enemy. Colonel Jackson then returned and desired me to lead the regiment over the morass upon an opposite height; I asked him if he had any particular orders for it; he answered he had not, but thought it best; I begged him not to stir without orders; he then left me a second time, returned in the space of ten or fifteen minutes, and repeated his request. I asked him if it was his orders for me to lead the regiment; he told me he thought it most proper, and begged I would lead the regiment

over ; I then went to the left of the battalion, and led the regiment not over the morass, but through it, which brought us a little in the rear of the ground we had left, instead of going to the ground he requested. About this place we met Major Mercer.

Question to Doctor Griffiths. Do you recollect who the officers were General Lee appealed to for his conduct the 28th of June, at English-Town, and complimented on their conduct ?

A. He only spoke generally, both of men and officers, but appealed to the officers in justification of himself.

Q. Do you recollect who the officers were who he appealed to ?

A. I do not recollect any individuals.

Q. Was there any reply from the officers ?

A. There were no other officers present but two light-horse officers, who were riding behind the General ; whether they heard the conversation or not I don't know ; I don't recollect any reply ; there could have been none, because they were not appealed to. I understood it generally the officers under his command.

Question to Colonel Stewart. What was the situation of the detachment in point of ground, when you were nearest to the enemy, and in view of them ?

A. On the left of the detachment was a ravine and a copse of woods, out of which the detachment had issued ; in front it appeared to be a plain of large extent, neither, in my opinion, interspersed by hills or woods ; the plain continued on our right, until you come to the road leading from the village of Freehold to Middletown, on the right of which road ran a fence ; in the rear of the right, as we were drawn up towards the enemy, stood the village of Freehold ; to the centre and left the ravine seemed to extend. My idea of the ravine is, that it began a little to the left of the village and extended to the left past the place we had issued out of the woods.

Question to Colonel Stewart. How did the enemy appear to be situated in point of ground ?

A. Their situation in point of ground appeared to be the same as the ground we were drawn up on, excepting that the woods appeared to me to be nearer our left than they were to the enemy's right.

Question to Colonel Stewart. Did the troops you were with retreat in order or disorder?

A. In a disorderly manner. On orders being given to the different regiments to retreat to the village, the enemy were so near us in front that the regiments seemed to be desirous to gain the village with expedition. On this account the regiment on the left inclined, while they advanced in front, on the regiment which should have been on the right. My being farther advanced at that time, occasioned the orders coming later to me than they had done to the other regiments. When I attempted to gain my position in the detachment under the particular command of General Wayne, I found the two regiments so close together that there had been no room left for me. I requested the officers who I saw with the other regiments to incline to the right and left, and allow me to gain my proper position. During this conversation, Colonel Laurance came up, and begged of us to lay aside trifling disputes concerning rank at so critical a period. I immediately ordered my regiment to incline to the left, which brought me on the right of the whole detachment under the command of General Lee. On my forming I was in that situation, and entirely separated from the other two regiments during that day.

Question to Colonel Stewart. By whose orders was your detachment formed when you first made a halt and engaged the enemy?

A. By the particular order of General Washington in person.

Question to Colonel Stewart. Did you receive any order at that time from General Lee or either of his Aids?

A. I received no order from General Lee at that time or from either of his Aids.

The Court adjourns till Friday, at nine o'clock, the 17th instant, to the house of Mr. Kennedy, at Peek-Kill.

JULY 17th.

Not a sufficient number of Members attending at Peek-Kill, the Members present, being a Majority of the Court, adjourned till to-morrow at nine o'clock.

JULY 18th.

The Court met at Peek-Kill.

BRIGADIER-GENERAL MAXWELL being sworn :

Q. Did you march with the troops under the command of General Lee the 28th of June?

A. I did.

Q. Did the troops under the command of General Lee attack the enemy the 28th of June?

A. I was sent for to General Washington's quarters the evening of the 27th of June. General Lee and General Wayne were there. I understood by what General Washington said to General Lee, that General Lee was to attack the rear of the British army as soon as he had information that the front was in motion or marched off; General Washington further mentioned, that something might be done by giving them a very brisk charge by some of the best troops. General Washington mentioned something about my troops, that some of them were new, and the want of cartouch boxes, and seemed to intimate that there were some troops fitter to make a charge than them. General Washington further recommended that we should go to General Lee's quarters, at six o'clock; the orders I got there were to keep in readiness to march at a moment's warning, in case the enemy should march off, and recommending that there should be no difference respecting rank, or which should be called to the front, right or left. In the morning of the 28th, I think after five o'clock, I received orders from General Lee to put

my brigade in readiness to march immediately; I ordered the brigade to be ready to march, and went and waited on General Lee; he seemed to be surprized that I was not marched, and said there were orders sent previous to that order, to put the brigade under orders to march immediately. General Lee informed me, some were already marched, and that I must stay 'till the last and fall in the rear. I ordered my brigade immediately to the ground I understood I was to march by, and found myself to be both before General Wayne and General Scott, and halted my brigade to fall in the rear: when about one half of the troops were by, orders came by one of General Lee's Aids to march my brigade by the road towards Craig's mill, 'till I met with the first direct road that led away to the Court-house, and to halt there until further orders, as it was suspected that the enemy were moving some part of their troops that way. By the time I had got about half a mile towards that place, one of General Washington's Aids gave orders to the rear of the brigade that I need go no further that way, but to return to my old ground, and that the front of the enemy was certainly marched off, (the officers came forward and informed me of this order,) which I did. I came back to my former station, and waited there a considerable time before General Wayne and General Scott's troops got past me; then I marched in the rear; there were three pretty large halts made before I got up within a mile of the Court-house. At that place the Marquis de la Fayette came to me, told me it was General Lee's wish that we should keep as much in the woods as possible; and that as I had a small party of militia horse, desired that I would keep those horse pretty well out upon my right, to observe the motions of the enemy that they might not surprize us; I think it was thereabouts that I heard some firing of cannon and small arms. The march was pretty rapid from that place, and I followed up General Scott until I got the front of my brigade in the clear ground. I found when I got

the front of my brigade in the clear ground, that the clear ground made an angle with a morass on my right, and a thick brush on my left. General Scott was formed in my front, in about one hundred yards; an orchard was in the front of him, where I saw the enemy moving towards our right. I at the same time saw our troops on the right moving; some said that they were retreating; others, that they were only moving to the right to prevent the enemy's getting round them; there were some cannon shot exchanged between them. I did expect that General Scott would have moved to the right, as there was a vacancy between him and the other troops, and would have given me an opportunity to form, but while I was riding up to him, I saw his troops turn about and form into columns, and General Scott coming to meet me. I think he told me our troops were retreating on the right, and we must get out of that place; that he desired his cannon might go along with me, as there was only one place to get out, and he would get over that morass to the right if he could; upon which I ordered my brigade to face to the right-about, and march back. The reason of my marching back was, that if I did not get over a certain causeway before the enemy came down on the right, I should have been in danger of losing my cannon. When I came to the open ground, within sight of the Church, there I plainly saw our troops retreating on the right in several columns, and apparently to me in very good order. I then sent off my Quarter-Master to General Lee, to know if he had any orders for me; at the same time my brigade was forming in the open ground by the woods, near the road I had gone up in. The Quarter-Master that I sent, came back and told me that General Lee ordered me to throw my brigade over into the woods on the right. I was very angry at him, and thought he had not represented to the General where I was, or had not taken up the orders right, but he persisted in it. I did expect there that the whole of our troops would have halted, as General Lee had

given orders to throw some troops into the woods on the right. I expected that I should have fallen into the woods on the left, and there was commanding high ground there, where some of the pieces of cannon were halting, but I still saw the columns marching on, upon which I thought it my duty to keep on the left with them, and on an equal pace with them; but at the same time I rode off to General Lee, who I found in an orchard, near a house, about a mile this side of Monmouth Court-house, and asked him if he had any orders for me, or any directions to give me; he desired that I should throw my troops over on the right into the woods, and I thought still that he did not know my situation, and told him I was on the left, and it was out of my power, as the rest of the columns that were coming up would break them, and go through them; well, then, said he, stay on the side where you are. He first talked to me of stopping three regiments to cover three pieces of cannon that were there, but there seemed to be plenty of troops about them, and finally, we agreed that I should cross a defile and throw my troops into the woods upon the left, and to watch a road that led from Furman's mill, which I did. The day was so excessively hot then, that the men were falling down; General Lee recommended that they might get water, and get among the bushes into the wood, that it would serve the purpose of sheltering the men and watching that road. While my brigade lay there, the rest of our troops were marching on, both to the right and to the left, crossing a defile that was in our rear. I rode out to the right, to observe what sort of ground there was there, and to see if the enemy were coming up after us. Upon casting my eye over to where my brigade was, I saw them in full march out of the woods; I rode back as fast as possible, and desired to know by whose orders they marched out of the place I had stationed them: Colonel Shreve told me he received orders from a certain Major Wikoff, who, he said, the Marquis de la Fayette had ordered to go and

forward all the troops over that defile, that was in our rear; not being pleased with it, I halted the brigade some time, and then I thought proper to let Colonel Shreve pass over the defile with the cannon, which he did, and took place on the other side with his cannon, in the edge of the woods, a place which seemed suitable to cover that defile, and I shortly after ordered over two other of my regiments to join him. I imagined there would be a sufficient stand made there, and left one regiment betwixt the road and the marsh that was in our rear, to cover the road that led from Furman's mill, and to prevent the enemy from cutting off our people's (who were in the rear) passage to the defile, which they maintained until the enemy drove them out. On my going to cross the last defile, I saw General Washington's troops going to form on the hill, which I was going to take possession of. On my coming up with the part of the brigade, I was informed that they had Lord Stirling's orders to form in his rear, which I did.

Q. How long were your troops halted on the ground in the rear of General Scott, before you left it?

A. I suppose not ten minutes, but I do not believe it was above five minutes; I think I had time enough to have formed there if there had been ground for it.

Q. Did you receive any orders from General Lee while you were on that ground?

A. No. I did not receive any orders from him but what I have mentioned, to my knowledge.

General Lee's question. When General Scott went to the right-about, did his left flank appear to be in immediate danger?

A. It did not appear so to me.

General Lee's question. When you expected that the troops would have made a halt on a certain piece of ground, did it occur to you that we had a defile in our rear?

A. I know there was a marsh in the rear, but did

not know at that time that there was but only one passage over it, which was the defile.

General Lee's question. Do you recollect my asking you how you came to quit the wood where you thought you were so advantageously posted?

A. I do. But I think it was in the afternoon of the 28th of June.

General Lee's question. Do you recollect when Colonel Shreve went up the hill, where Lord Stirling was posted, whether it was Mr. Wikoff who led him there or not?

A. It was not Major Wikoff. I ordered him to take post there.

General Lee's question. When you saw me, did I appear cool, possessed of myself, or disconcerted?

A. I saw no other appearance of your being disconcerted than your ordering me over to the right; but when I told you my situation, you were satisfied; you appeared to be disturbed only on account of the situation of the men from the heat of the day.

BRIGADE-MAJOR OGDEN being sworn :

Q. Did you carry any orders from General Lee the 28th of June?

A. Yes. I think it was soon after we passed the first defile, retreating better than a quarter of a mile; after we had rose the hill, I was riding with General Maxwell, with the column; as he had received no orders from General Lee, he desired me to ride to General Lee to know what the orders were. I rode to the left as we were retreating; I informed General Lee that General Maxwell had received no orders, and that he begged to know what they were; General Lee desired me to beg General Maxwell (as I understood it) to form his troops on the right, in a wood, as we were retreating, which order I communicated to General Maxwell. That is the only order I recollect to have carried from General Lee that day to General Maxwell. After the remainder of General Maxwell's

brigade had crossed the bridge, near the bridge I went to let General Lee know that Colonel Ogden's regiment was posted in a point of woods adjacent to the road which led to the bridge, and that he intended to give the enemy a warm reception there. General Lee answered, don't tell me of what they will do, but tell it to me after they have done it, and General Lee expressed a wish or desire that they would do it; these were the words as near as I can recollect. The Marquis de la Fayette, as I was riding by, called to me, and desired me to carry an order to Colonel Stewart, which I think, but am not certain, was to march to the right, to cover the cannon and retreat. I delivered the exact order to Colonel Stewart that the Marquis gave me in less than two minutes after I received it. This was the only order I carried to Colonel Stewart, or from the Marquis.

The BARON STEUBEN being sworn:

Q. Had you any conversation with General Lee the 28th of June, after the retreat, relative to the transactions of the day?

A. Yes. On the 28th day of June, after having been reconnoitering, I returned from Monmouth in order to make my report to the Commander-in-Chief, whom I found at English-Town. Having seen that the enemy was marching, and doubting of our being able to overtake them, having seen nothing in my way but some militia which followed at some distance, I stopt at a house in English-Town to take some rest, where I stayed about an hour and a-half; I afterwards continued my road to meet the Commander-in-Chief. On my way I heard several firings of cannon, and I made the greatest haste to arrive near the General, whom I found on the high ground, beginning to form the troops as they arrived. It was there that I saw General Lee's division retreating in great disorder, followed by the enemy, whose strength I conceived to be 1,500 men of infantry, and about 150 horse. As I was employed in

placing a battery General Lee passed by me, without our speaking to one another. About a quarter of an hour after the Commander-in-Chief ordered me to stop the retreating troops and form them towards English-Town. I sent some officers forward to stop the men, and I went there myself, accompanied by Mr. Ternant and my Aids-de-Camp, to form them. As I passed through English-Town I found General Lee on horse-back before a house; he asked me where I was going; I acquainted him with my orders, upon which he said to me that he was very glad of my having taken that charge upon me, for he was tired out. I assembled part of General Maxwell's brigade, and part of General Scott's detachment, which I formed behind the creek at English-Town; General Maxwell was himself there. Scarce had the troops taken their position when General Patterson arrived with three brigades of the second line, and desired to know where he was to be stationed; I placed his three brigades a little more in the rear, on a high ground, and I established a battery on the right wing, in front of the second brigade of General Smallwood. The cannonade continued more or less briskly till past five o'clock. Half an hour after it had ceased, Colonel Gemat arrived and brought me the order from the Commander-in-Chief that the enemy was retreating in confusion, and that I should therefore bring him a reinforcement. I ordered General Maxwell to take the command of the troops I had placed behind the creek, and to remain there 'till further orders. I then marched off with the three brigades of the second line; as I passed through English-Town I met again General Lee, who asked me where I was a-going; I imparted him the order I had received from the Commander-in-Chief, which I delivered in the very expressions of Colonel Gemat, that the enemy was retreating with confusion. Upon that word *confusion*, he took me up, and said that they were only resting themselves; but, said he, afterwards, I am sure there is some misunderstanding in your being to advance with these troops; I told him

that I had received the order from Mr. Gemat; I ordered, however, General Muhlenberg to halt, and sent for Captain Walker, my Aid-de-Camp, who repeated, in presence of General Lee, the order which Colonel Gemat had brought me; then, said he, you are to march, and I went on with the troops. This is nearly all the conversation I had that day with General Lee.

General Lee's question. What was the purport of the intelligence you gave to General Dickinson the 28th of June, respecting the strength of the enemy?

A. General Dickinson did not ask me what the strength of the enemy was, neither did I say anything to him about it. I told General Dickinson that the army was in march, and that I had seen their rear guard.

MONSIEUR LANGFRANG being sworn, (MONSIEUR PONCEAU being sworn interpreter:)

Q. Had you any conversation with General Lee the 28th of June respecting the transactions of the day?

A. Yes. A long time before the battle, in the instant that General Lee's division arrived before Monmouth Court-house, when the division began to form itself behind the creek, opposite to a road that led to the town, Colonel Lawrence, with whom I was formed, with some light-horsemen, sent me to General Lee in order to acquaint him that we had seen a regiment of the enemy entering into the wood, and that we had no body to support us, which forced the light-horsemen to return behind the Churchyard, waiting for some infantry, which we hoped General Lee would send into the wood to our left. As I arrived to ask the infantry of General Lee, I found him near the creek; I acquainted him with the number of the enemy who had thrown themselves into the wood, and told him we had no body to support us; that, indeed, there was some militia in the wood, but the militia having gone too far into the wood, our left wing was quite uncovered; upon which General Lee told me that the militia which was

in the wood was to be called from the wood ; then the brigade belonging to General Lee's division, which was forming itself on the road leading to Monmouth Courthouse, was ordered by General Lee to return to the plain. The precipitation with which the order was given made me think that General Lee had misunderstood me. I repeated over what I had said to him ; upon which he answered me, that he had orders from Congress and the General-in-Chief not to engage ; upon which I returned to the Churchyard, where we staid without the enemy appearing any more.

General Lee's question. Did you understand me, that I meant not to engage at all, or not to engage but in a particular manner ?

A. I understood that you intended not to engage at all, because there were only two hundred men of the enemy who had thrown themselves into the wood, and when I told you of this, your whole division retreated to the plain.

The Judge Advocate produces to the Court, two letters, written by General Lee to His Excellency General Washington, dated the 1st of July, and the 28th of June, which General Lee acknowledges were written by him, and which being read, are as follows :

Camp, English-Town, July 1, 1778.

SIR,—From the knowledge I have of your Excellency's character, I must conclude that nothing but the misinformation of some very stupid, or misrepresentation of some very wicked person, could have occasioned your making use of so very singular expressions as you did on my coming up to the ground where you had taken post ; they imply'd that I was guilty either of disobedience of orders, of want of conduct, or want of courage ; your Excellency will, therefore, infinitely oblige me by letting me know on which of these three articles you ground your charge, that I may prepare for my justification, which, I have the happiness to be confident, I can do to the army, to the Congress, to

America, and to the world in general. Your Excellency must give me leave to observe that neither yourself nor those about your person cou'd, from your situation, be in the least judges of the merits or demerits of our manœuvres; and, to speak with a becoming pride, I can assert, that to these manœuvres, the success of the day was entirely owing. I can boldly say, that had we remained on the first ground, or had we advanc'd, or had the retreat been conducted in a manner different from what it was, this whole army, and the interests of America, would have risk'd being sacrificed. I ever had, (and hope ever shall have) the greatest respect and veneration for General Washington; I think him endow'd with many great and good qualities; but in this instance, I must pronounce that he has been guilty of an act of cruel injustice towards a man who certainly has some pretensions to the regard of ev'ry servant of this country; and, I think, Sir, I have a right to demand some reparation for the injury committed, and, unless I can obtain it, I must, in justice to myself, when this campaign is closed (which I believe will close the war), retire from a service at the head of which is placed a man capable of offering such injuries; but, at the same time, in justice to you, I must repeat, that I from my soul believe, that it was not a motion of your own breast, but instigated by some of those dirty earwigs who will forever insinuate themselves near persons in high office; for I really am convinced, that when General Washington acts for himself no man in his army will have reason to complain of injustice or indecorum.

I am, Sir, and hope I ever shall have
reason to continue, Your most sincerely
devoted, humble servant,
CHARLES LEE.

His Excellency General WASHINGTON.

Camp, June 27, 1778.

SIR,—I beg your Excellency's pardon for the inaccuracy in mis-dating my letter. You cannot afford me greater pleasure than in giving me the opportunity of shewing to America the sufficiency of her respective servants. I trust that the temporary power of office, and the tinsel dignity attending it, will not be able, by all the mists they can raise, to offscate the bright rays of truth; in the meantime, your Excellency can have no objection to my retiring from the army.

I am, Sir, your most obedient, humble servant,
CHARLES LEE.

General WASHINGTON.

Major-General Lee produces a letter from His Excellency General Washington, dated June 30th, which being read, is as follows:

Head-Quarters, English-Town, June 30, 1778.

SIR,—I received your letter (dated through mistake the 1st of July), expressed, as I conceive, in terms highly improper. I am not conscious of having made use of any very singular expressions at the time of my meeting you, as you intimate. What I recollect to have said was dictated by duty and warranted by the occasion. As soon as circumstances will permit, you shall have an opportunity either of justifying yourself to the army, to Congress, to America, and to the world in general, or of convincing them that you were guilty of a breach of orders, and of misbehaviour before the enemy on the 28th inst. in not attacking them as you had been directed, and in making an unnecessary, disorderly, and shameful retreat.

I am, Sir, your most obedient servant,
GEORGE WASHINGTON.

Major-General LEE.

Major-General Lee requests his third letter to General Washington, dated June 30th, may be read, which being read, is as follows:

Camp, June 30, 1778.

SIR,—Since I had the honour of addressing my letter by Colonel Fitzgerald to your Excellency, I have reflected on both your situation and mine, and beg leave to observe, that it will be for our mutual convenience that a Court of Inquiry should be immediately ordered: but I could wish it might be a Court-Martial, for if the affair is drawn into length, it may be difficult to collect the necessary evidences, and perhaps might bring on a paper-war betwixt the adherents to both parties, which may occasion some disagreeable feuds on the continent, for all are not my friends, nor all your admirers. I must intreat, therefore, from your love of justice, that you will immediately exhibit your charge, and that on the first halt, I may be brought to a tryal; and am, Sir, your most obedient, humble servant,

CHARLES LEE.

His Excellency General WASHINGTON.

The Court adjourns till to-morrow, at nine o'clock.

JULY 19th.

The Court met according to adjournment.

The evidence being closed on the side of the prosecution, and Major-General Lee being requested to make his defence, desires Captain Mercer and several other gentlemen may be sworn.

CAPTAIN MERCER, Aid-de-Camp to Major-General Lee, being sworn, says:

On the evening of the 27th of June, soon after General Washington had left English-Town, I was sent by General Lee with an order to General Dickinson; he would have given this order in a letter, but expected I could explain it more fully verbally; it was to inform General Dickinson that he intended to attack the enemy as soon as he could be certain of their march for Middletown; that it was of the greatest consequence that he should have the earliest intelligence, and for that intelli-

gence he should depend entirely on General Dickinson, and be governed by whatever he heard from him; that he had been referred to him (I understood from General Washington) for intelligence, and he, General Lee, having very few light-horse with him, and the Continental troops being unacquainted with the country, it was impossible he could get any certain information himself. General Dickinson's answer was, that General Lee might depend upon him for every intelligence that his situation would give him an opportunity of procuring, and observed that the militia could not be depended upon. I then returned to General Lee; I remember nothing further of consequence, except orders being given to the troops to hold themselves in readiness to march at any hour in the night. After one o'clock in the morning we were waked up by a letter from General Washington, signed by Colonel Hamilton. It was an order for General Lee to detach about six or eight hundred men as a party of observation, who should march to within about two miles of the enemy, and there wait until the enemy began their march, that this party should send continual intelligence, and should attack the enemy when they began to move, but this was left to the discretion of the officer commanding the party, if he found there should be a convenient opportunity without endangering himself. Captain Edwards, General Lee's Aid-de-Camp, immediately issued orders, by General Lee's desire, to Colonel Morgan, informing him that he, General Lee, intended to attack the enemy's rear the next morning, should they march; and that he, Colonel Morgan, should attack their right flank on their march. About five o'clock in the morning a billet was received from General Dickinson, dated at half-past four, that the enemy were then getting in motion. Colonel Grayson, who had been ordered with Scott's and Varnum's brigades, making about six or seven hundred men, in consequence of the letter from General Washington, had about this time marched his men into English-Town, and was detained some time for want of a guide,

before he could go off. After he had marched, I was ordered by General Lee to write to the Marquis de la Fayette, that he might immediately put himself at the head of Wayne's and Scott's detachments; likewise to General Maxwell, that he should put his brigade in motion and march them to the road that led to Freehold; I don't conceive that the troops were ready before eight o'clock or half-past eight, at which time General Lee set out from his quarters. We past the troops, who were about one-quarter of a mile advanced of English-Town, on the Freehold road, and then on their march. We had not proceeded far before we met an Aid-de-Camp of General Dickinson; he addressed himself to General Lee, and, from what I could gather, his message was, that the enemy had, instead of marching off, arranged their whole army at Freehold, and begged of General Lee not to advance the Continental troops any farther than English-Town, as he expected the enemy meant to attack immediately, and that he made no doubt they either had, or would throw a column on the Covenhoven road, which led from Freehold into the rear of our position at English-Town. I think this was the purport of the message, though I could not hear it distinctly. General Lee desired him to ride on with his intelligence to General Washington, and in his way to halt the troops; he then rode on himself, and expressed a good deal of uneasiness at the party that was advanced under Colonel Grayson, who had some time before been ordered to quicken their pace, if possible, to get up with the enemy; he desired me to ride back and beg of General Wayne that he would come forward and take command of those advanced troops, as he looked upon it as a post of honour; and likewise to order General Maxwell's brigade, which General Lee, in his disposition, had ordered to march in the rear of the troops, into the Covenhoven road, to march to the forks of that road, where a road led from Craig's mill to the Court-house; to take a position there for his brigade, and wait either the enemy or for further orders. I executed both

of these orders, delivered General Maxwell a rough draught of the road. In my return from General Lee to the troops, I met Colonel Meade, from his Excellency, who asked me if I was going to order on the troops. I told him no, that the enemy were advancing, and I was going on other business. On my return, I again met Colonel Meade, who told me he was going back with General Lee's order to bring on the troops; I begged of him to ride to General Maxwell's brigade, who could not have marched far, and order them back again. I then made what haste I could to General Lee; I overtook him on the other side of the bridge, in front of the position Lord Stirling afterwards took. I found a number of pieces of intelligence had been given him with respect to the enemy, almost all contradictory, and himself and General Dickinson engaged in a very warm dispute; General Lee insisted upon it, that their principle was a retreat, and General Dickinson, on the other hand, as confidently affirmed that they had not moved at all. I heard General Dickinson say to General Lee, that if he moved the troops over that bridge he would get into a very dangerous country, from which there was no retreat but over that pass. About this time, intelligence was brought, that a party of the enemy were moving down, as we then stood, through an orchard on the left of the morass on our left. I was ordered by General Lee to conduct Varnum's brigade over the bridge back again, in order to meet them. About this time I remember Monsieur Langfranc's coming up, and not a man of General Lee's command had arrived, or did arrive for three-quarters of an hour, at that place, except the command of Colonel Grayson; he told the General something that the General seemed to pay no attention to. As the enemy were said to be on our left, and partly in our rear, I was sent off with Varnum's brigade, and galloped before them myself, until I got to the orchard, where I found them to be a large body of militia, who had lost themselves, under the command of Colonel Freylinghausen. I immediately returned to

Varnum's brigade, and ordered them to return with as great expedition as possible over the bridge. [When I regained General Lee, I found him exceedingly irritated at the false intelligence that had been given him.] By this time, the head of the column under the Marquis de la Fayette, had got in view, and the General immediately ordered the troops on, having before dispatched orders to bring on Colonel Butler's and Colonel Jackson's regiments to form the advance guard; they got up and were formed, and the General proceeded on with them in front, without making any kind of halt, until we got in sight of the Court-house. Colonel Butler's regiment was then formed opposite to the cross-road that led from Freehold to Amboy, and the other troops were ordered to face towards the Court-house. The whole troops under General Lee's command were then up; Butler's and Jackson's formed the advance guard, Scott's and Varnum's brigades marched in front, General Wayne's detachment, General Scott's detachment, and General Maxwell's brigade, formed the line. The enemy, when we got to this open ground, near the Court-house, appeared in view; there appeared to be a number of light-horse in no kind of order, and some parties of foot interspersed in no order, ranged in front, and appeared advancing towards us and to the left. The General went out himself to reconnoitre, and we found by their moving to the left that they were in all probability retiring; he immediately returned, and I understood from General Lee that Colonel Butler's regiment was sent off with orders to attack; Colonel Jackson's regiment would have went with them, but it was found that they had but seventeen rounds of cartridges per man. General Lee ordered me to have the Sergeants of that regiment collected, and by a cartridge from each man, of the rest of the troops, to make up the deficiency. About this time Captain Edwards arrived, who had been sent by General Lee to reconnoitre to the left, who told General Lee that the enemy were retreating. General Foreman, who was with General Lee, informed

him that he would carry his column a road to the left that would bring him into the front of the retreating enemy. I was sent immediately by General Lee to reconnoitre the road, to see whether cannon could be passed along; I found the road would answer the purpose exceeding well. As I was advancing down the road I observed a large encampment of the enemy's, which it appeared they had just left, by the chairs standing, and water that had been just spilt. I enquired at a house just over the causeway; they told me that two thousand had lain there, and were moved about three-quarters of an hour before, towards the Court-house, and that they believed they were not moved from the Court-house. I returned immediately to General Lee, made my report of the road, and mentioned this circumstance to him; he said he supposed their covering party might consist of that number; he mentioned, likewise, if there was any interval between them and their main body, he should certainly cut them off. Colonel Jackson's regiment was by this time compleated with cartridges, and was sent off with Colonel Malmedie, to conduct them to join Colonel Butler. I understood General Wayne was to command the whole of that advance party; Colonel Oswald being desirous of going with these troops, the General had at first ordered only one piece, but on Colonel Oswald's observing that he had only one ammunition waggon to both, they were both ordered on. The General then asked what number General Wayne's party would then consist of? I observed to him that they were about five hundred and fifty; he said that would not be enough for the purpose, and desired that another regiment from the front might be ordered on to reinforce them. General Scott's brigade being in front, Colonel Parke's regiment was formed in the road facing the Court-house, and the other regiment had taken the place of Colonel Butler's; Colonel Parke was ordered on immediately, and directed the course he was to march, expecting he would soon overtake Colonel Butler, as there was a lit-

tle before a scattering fire of musquetry heard just in front. Captain Lenox now arrived from General Wayne, and informed General Lee that the enemy had halted, and he expected would attack him, and begged that the troops might be forwarded up to his support. General Lee's answer to Captain Lenox was, that it was nothing but the customary manœuvre of a retreat, to which General Wayne should pay no kind of attention. Captain Lenox immediately rode off, and General Lee desired he might be stopped, for he had something more to say to him; I hallowed to Captain Lenox, who did not hear, but rode on; upon that the General explained himself fully to me concerning the manner he intended General Wayne should act, and the manner he intended to act, and ordered me on to General Wayne. I met General Wayne in front of the enemy, in open ground; Butler's regiment was at this time filing off to the left, and I delivered him my orders to the following purport: that he should advance with the troops under his command and attack the enemy in rear; that all the General expected from his attack was, to halt the enemy, as he did not expect nor wish that the enemy should retreat to their main body, or, from an opinion of his numbers, call for a reinforcement from that main body. General Wayne observed to me, that he had no command at all there, that he had no troops; I told him that there was Jackson's and Parke's ordered up to join Butler's; he said he had seen nothing of them; I answered that they would soon be up with him, that I would hurry them on; I observed to him that General Lee was marching his whole column by a road that led to the left, and would, by that means, get into the front of the enemy and cut them off; I believe I explained myself to General Wayne as full, if not more so, than I have done to the Court. General Wayne then told me, that he desired a piece of cannon might be immediately sent to him, and he would engage to stop them. I then immediately quitted him, as I knew Colonel Oswald was coming on

with two pieces of artillery, and endeavoured to return to the cross-road. On my return, I met Colonel Jackson's regiment, who had got up almost in a line with Colonel Butler's regiment, and Colonel Parke's regiment in his rear some distance. I met Colonel Laurens, General Washington's Aid-de-Camp, and inquired of him where General Lee was; he told me that he was marching with the whole column to the left, and observed to me that he believed General Lee had forgot the two pieces of artillery of Colonel Oswald's. I then pushed on the road to the left, and overtook the troops marching with great rapidity. I did not, however, overtake General Lee until I came to the open ground, where I found him filing off by columns to the left, as we faced the Court-house, and had halted Colonel Livingston at the head of General Wayne's detachment, as I understood, to form the right. The three regiments in General Wayne's detachment, Colonel Wesson's, Colonel Stewart's, and Colonel Livingston's, were ordered to the right, and General Lee rode out to reconnoitre the enemy, who now appeared in full view. He rode toward's Colonel Oswald's pieces, who had began a very sharp fire on the enemy, but a much severer was kept up from them, as they had a great many more pieces. Upon taking a view of the enemy they appeared to be marching back again towards the Court-house; they appeared in much greater numbers I believe than General Lee expected; he said he believed he was mistaken in their strength, but as they were returning towards the Court-house, there would be no occasion to push that column farther to the left, as they were in the rear already. He then ordered me to General Scott, who, he said, was with the front of the column that had been filed off to the left, with order for him to halt his column in the wood, and to continue there until further orders. I asked him where I should find General Scott, as I had not been there when the front of the troops had been filed off; he pointed with his hand to the wood over the ravine, told

me I should find him there; at that same time I remarked to General Lee there were troops on this side the ravine; I think he told me they were General Maxwell's brigade. The troops that were now going to the right, that is, Wayne's detachment, could not be said to be retreating, as every step they gained they came nearer to the enemy, who were likewise pushing to our right. I made what speed I could to the ravine, but my horse being very tired I was some time a-going; I found great difficulty in passing it, as it was very deep and very miry. When I got on the other side I found Colonel Jackson's regiment returning over the ravine again; I had some conversation with Lieutenant-Colonel Smith before I saw Colonel Jackson; I mentioned to Colonel Jackson that I was going to General Scott, who was in that wood to the left; he told me that there were no troops there. I begged of him not to cross the ravine until I should return to him. Going a little farther in the hollow I saw Colonel Grayson at the head of the other regiment of Scott's brigade; I asked him why he was not in the wood, (as this regiment ought to have been in front of the column that marched up to the left, and never had belonged to General Wayne's detachment;) he told me that he had been halted there by General Wayne's order. I was a good deal surprised at that, as General Wayne had undertaken to order the troops that were not in his detachment, and told Colonel Grayson that the order should have come through me. Colonel Grayson told me he would go into the woods if I ordered him; I made him no answer, but rode up the hill, where I perceived that no troops were in the woods. I took a transient enfilade view of the enemy; the party nearest us seemed to be a brigade of artillery, who were firing, covered by about, as I supposed, six hundred infantry, and their horse all halted, which were very considerable, in my idea; a column of the enemy appeared at a great distance from me, marching down towards the Court-house or our right; I supposed they might be about,

not quite two thousand men. I looked between a house that was in flames and the wood on the left, and observed the head of what I concluded to be the main body of the enemy; I saw but few of them, just their front, who were in full march towards us; all appeared at a great distance from me. I was but a little time taking this view, and as I returned by Colonel Grayson I told him to fall in the rear of Colonel Jackson, who was retreating over the ravine the same way he came. I mentioned to Colonel Jackson that he had better form on the other side of the ravine, where I expected the line formed by General Maxwell's brigade was. I passed the ravine myself, and attempted to go to the Court-house along it, but our artillery having retreated, and the enemy being advanced, I directed my course to the right; I there met Captain Edwards, the other Aid-de-Camp, who was going over the ravine I had left, with orders to General Scott; I told him that General Scott was not there, and by the time he got over the ravine there would be no troops there. I now observed all our troops retreating into the woods from which they at first came out, and Captain Edwards and myself, turning through a point of wood that was next to the Court-house, where the enemy had had an encampment, we both saw a body of troops and artillery going down a road, I believe the one we came up. This must have been General Scott's detachment, as we found all the troops except his detachment and Colonel Butler's regiment in the open field behind the Court-house when we came into it. We rode towards the Court-house, and in the lane we met General Lee reading a letter, as I afterwards understood, from Colonel Fitzgerald. I mentioned to him that no troops were in the woods where he sent me, and that, by that time all the men had retired from the left. His expressions of surprize were very great, and we continued with him, he being now with General Portal, General Knox, and some other officers. Immediately after I had given the General this intelligence, he desired that I would ride

to the Marquis de la Fayette; I mentioned to him that my horse was exceedingly tired, and that if there was any one else, he had better be sent; he turned to the light-horse officer, and ordered him to carry orders to the Marquis to retreat to the Court-house. I did not, at that time, know where the Marquis was, but shortly after saw him in the village. General Lee, upon sending off the light-horse officer, followed himself that way. I remained some distance behind, looking at the enemy. The troops being all retiring, part were ordered to be thrown into the woods on the right, and part into the woods on the left; however, the extent being too great between the two woods, this disposition was countermanded, and the troops were ordered to continue their march to a point of view, where, I understood from General Lee, the position was to be taken. I carried orders for this purpose from General Lee to the front of different columns, that from the time I gave that intelligence to General Lee of the troops having gone off from the left, to the time I carried particular orders relative to the retreat, was about six or seven minutes; in that time the troops had got some distance behind the Court-house on their retreat. After we had passed the next ravine in our rear, the artillery were ordered to form on a height to the left, as it fronted the enemy, and a body of infantry to support them. I was riding about with many different orders to effect these purposes, until the troops were all got over the ravine in front of Carr's house. When the troops had nearly all passed by Carr's house, the enemy's horse made a charge upon our horsemen who were in rear, and I expected would have attempted a charge on the whole rear; I was ordered by General Lee to halt the rear and draw them up at that fence. I halted one of Colonel Grayson's regiments in front of the fence, which Colonel Grayson afterwards removed into the rear of the fence, as a better position; and by this time, General Lee had given over the design of possessing the height first discovered by Mr. Portal, a

height which appeared at that time very advantageous to me. In the field the back of Carr's house, Mr. Wikoff met him, and I understood had directed him to the height occupied afterwards by Lord Stirling, as the only piece of ground in our favour. The troops were then ordered to continue their route to the bridge where we first crossed; in our retreat we were informed that General Washington had come up, and General Lee rode from the rear to see him. When we came up to General Washington I was close by General Lee, and heard the conversation that passed between them; General Washington first accosted General Lee, by asking him: What is all this? General Lee not well hearing him, the question was repeated. General Washington in the second question asked: What all that confusion was for, and retreat? General Lee said he saw no confusion but what had arose from his orders not being properly obeyed. General Washington mentioned that he had certain information that it was but a strong covering party of the enemy. General Lee replied that it might be so, but they were rather stronger than he was, and that he did not think it was proper to risque so much, or words to that purport; General Washington replied, then he should not have undertaken it, and passed by him. I had heard General Washington himself giving several orders for halting the troops, and thinking that General Lee might counteract him, as he was giving some orders, took the liberty of mentioning to him that General Washington had taken the command; General Lee then said that he had nothing further to do, and rode after General Washington in front; by the time we got up the enemy appeared immediately in front, and their artillery began to play. General Washington seeing General Lee, asked him if he would take the command there, or he would; if General Lee would take the command there he would return to the main army to arrange it; General Lee replied that His Excellency had before given him the command there; General Washington told him

he expected he would take proper measures for checking the enemy there; General Lee replied that his orders should be obeyed, and that he would not be the first to leave the field, and General Washington then rode to the main army. General Lee immediately ordered that the artillery should be brought to the height he was on, and begged of General Knox, who was by, to try to halt them, as he had a greater influence over them than he had. Colonel Livingston's regiment was ordered up to support them, and was on his return, having before received orders from General Washington for that purpose. I was then dispatched to the party in front, where General Wayne was just going into the woods; I told him that General Lee's orders were, that he should defend that post; he asked me who I came from; I mentioned that I came from General Lee, who had again re-assumed the command; he rode on without paying much attention, and the action immediately commenced in that wood; General Lee then sent me into the rear to Colonel Ogden's regiment, as I learn'd afterwards they were; at the time I did not know what regiment it was; I there saw the Commanding Officer, who I did not know, and told him that General Lee's orders were, that he should defend that wood to the last extremity, and cover the retreat of the whole at the bridge; he replied, that the enemy had got upon his left, and they were very good men, and it would never do to have them sacrificed there. I mentioned to him, as I rode off, that they were not in more danger than those in front. When I returned to General Lee, the light-horse had charged upon the right of the troops in the wood, and were mixed amongst them as they retreated out of the wood; the enemy's infantry and light-horse came out of that wood seemingly mixed with our troops, and the action between Colonel Livingston's regiment and General Varnum's brigade with the enemy then commenced; they were soon broke by a charge of the enemy. Theartil-

lery now were ordered off, and I believe in the rear of the whole went General Lee.

General Lee's question. Did I not express a great deal of indignation when you informed me that all the troops had left the woods?

A. You did.

General Lee's question. Do you recollect the conversation that passed between me and Colonel Hamilton?

A. Immediately after General Washington told you that he expected you would check the enemy there, and you made the answer before mentioned, Colonel Hamilton rode up in great heat, and said to you, I will stay here with you, my dear General, and die with you; let us all die here rather than retreat. You answered him very coolly, to observe you well, to see whether you were discomposed, and if he did not think you fully a judge of what was proper to be done; that you were as ready to die as he, and that after you had seen the Continental troops that were under your charge in safety, you said, I do not care how soon we die; Colonel Hamilton made answer that he thought you possessed of yourself to a very high degree.

General Lee's question. In the whole course of the day, excepting where I expressed my indignation at the disobedience of my orders, the contradictory intelligence I received, and the impertinent intrusion of people who acted in no capacity; did I not appear, in both fire and out, as perfectly composed as ever you saw me in your life?

A. I could not but think you exceedingly composed, as several circumstances happened during the time that evidently evinced it.

Question by the Court. How came you to suppose the body of troops that you saw between the house in flames and the woods, were the main body of the enemy?

A. I observed them marching very wide in front, and as I had before seen the party, which I judged to

be the covering party, and then divided from them, I could not suppose them to be inconsiderable.

Question by the Court. If the body you saw had consisted of only one hundred men, would they not have made the same appearance to your view?

A. I do not think that one hundred men might have been drawn up in such a manner as to have made the same appearance in front to my view.

Question by the Court. Who did you deliver the orders to that you carried from General Lee and delivered at the head of several columns?

A. The first order I carried was to the head of four columns; I delivered it to Mr. Langburn, who, I understood, acted as supernumerary volunteer with the Marquis, who had then the charge of conducting these columns, and I delivered them to the columns in rear, but did not know who the officers were, and also, I was going to General Maxwell's brigade, when I met General Maxwell riding himself to General Lee for orders.

Q. Did you communicate to General Lee the number of the enemy's troops, and the separate bodies of them you had seen?

A. I reported to him, that from what I had seen, their flying army at least was there, if not their whole force.

Q. At what time did you communicate this to General Lee?

A. At the same time I told him that the troops he had sent me to with orders were not in the woods he directed me to.

Question by the Court. Do you recollect any conversation having passed between General Lee and General Wayne, after General Washington took the command?

A. I do not.

The Court adjourn to North-Castle till Tuesday next, at ten o'clock.

JULY 21st.

The Court met at North-Castle, according to adjournment.

Question to Captain Mercer. What number of the enemy did you perceive when they appeared to be marching back to the Court-house?

A. The enemy, from what I could perceive of them, were divided; that party with the artillery were nearest us, and kept up a very severe cannonade, and were nearly, I think, in the middle of the plain; in the rear of them, and on the other side of the plain, near the woods, a column of the enemy appeared, marching towards the Court-house, consisting of, I suppose, near two thousand men.

Q. What reason had you to believe that this number was greater than General Lee expected?

A. General Lee had told me before at the cross-roads when I gave him a piece of intelligence before related, that he supposed their covering party consisted of fifteen hundred or two thousand men. I do not know what number of men appeared to General Lee, that were then in view at the time we were reconnoitring, but he expressed himself, they were much larger than he thought they were. They appeared to me, altogether, to be about three thousand horse and foot.

Q. When the enemy were returning towards the Court-house, and General Lee said there would be no occasion to push the troops farther to the left, did you hear him give any orders to the troops under his command?

A. We were out a reconnoitring, and no troops near us; he sent me immediately afterwards with orders to General Scott.

Q. Did you go to the wood where General Lee pointed General Scott was in?

A. Yes, and General Scott never could have been so far advanced to the left, or if he had been, he could have staid but a very small time.

Q. How far did you go into the woods?

A. I was close to the wood, and it was a pretty open wood, and all the troops that were then over the ravine, near the enemy, was Colonel Jackson's regiment close to the ravine. Colonel Grayson's halted in his rear, both in the hollow; and in the orchard to my right upon the hill, and farther advanced to the left towards the house that was burning, I saw a party of men, that from what I have understood since, I believe must have been Colonel Butler's.

Q. What were the particular orders you carried from General Lee to the front of the different columns?

A. The orders I carried to Mr. Langhom were, that the columns that he was with, who were at that time closing together to pass over the defile in front, and on the left of Carr's house, were, that they should march to a height in open view that appeared flanked by two woods, and there halt.

Q. Did you deliver any orders from General Lee to General Scott that day?

A. I did not, that I remember.

Q. Did you see General Maxwell's brigade in the field when you and Captain Edwards saw a large body of troops marching, which you took for General Scott's detachment?

A. We were then in the woods, passing by an encampment of the enemy's. The troops that I supposed to be General Scott's detachment, were marching down the road towards English-Town. I neither saw front or rear of them. I saw, I suppose, about the centre, and when we advanced as far as the plain, in open view of the Court-house, General Maxwell was issuing out into the plain with his brigade.

Q. Did General Lee, after the troops had passed the last defile, make any disposition to check the enemy?

A. If you mean the defile in front of Lord Sterling's position, General Lee had intended to march all his command who were then with him, over that defile, and take possession of the ground that Lord Sterling

formed on; but General Washington coming up, destroyed that intention, by ordering General Lee to halt the rear of the troops, and by halting them himself who had not passed the bridge, and fight the enemy on that ground, as it was necessary to check the enemy there, the whole army being to be arranged.

Q. How do you know that was his intention?

A. He told me himself of it, and pointed to the ground before Lord Sterling had arrived on it.

Q. Were you then in sight of the ground?

A. I was; it was just before we met General Washington.

Q. Had you any directions how to form the troops there?

A. I had no particular directions, but that they were to halt there.

Q. What were the orders you were charged with for General Scott from General Lee?

A. The conception I have at present of these orders (I do not recollect the express words of General Lee) General Lee having before informed me that the column was to get into the front of the enemy as they were retreating, or into their rear, as they were coming back, and observing General Lee, when I overtook him in the open ground, filing off the column to the left up the skirt of the wood, for the purposes evidently before-mentioned. I understood General Lee, as he made this remark, that the enemy are now returning back again. That General Scott had answered that purpose when he had arrived at the wood, which I should explain to him, and that he should defend that wood until General Lee should make a farther disposition, and he should get his particular orders, as that scheme of getting into their rear would be then fully answered, and the enemy could not retreat again to their main body without falling in with him.

Q. Did you carry any orders to the several columns from General Lee, after he had relinquished his design of halting at the point of view?

A. I was not sent with any orders until we got near where General Washington was, which was in a short time after I understood General Lee had relinquished his design of halting at the point of view.

Q. Were any measures taken to find General Scott's detachment, after you carried him orders from General Lee, and could not find him?

A. None that I know of.

General Lee's question. Did you not think, when General Scott left the wood, that our right flank was in greater danger than our left from the situation we were in?

A. As General Scott and General Maxwell, and the other troops that were to the left, made above two-thirds of your whole command, and the enemy seemed to bend their course from our left to our right, I can't conceive General Scott was in any danger at all.

General Lee's question. What order was the different columns in when we passed the hither side of the ravine, when we were looking out for a position?

A. I did not see any troops that were in disorder in the course of the day until the party was broken on the hill. All the troops that I saw were in perfect good order, as far as the heat of the weather would permit.

General Lee's question. Did I not complain to you, and express a wonder that there was not more disorder amongst the troops, from my being a perfect stranger to the Officers, and they to me?

A. I heard you say that you were in a shocking situation, as you hardly knew a single man or Officer under your command, or his rank.

General Lee's question. Did I not express an uneasiness at His Excellency's interfering and giving orders, when I understood he had, as it might clash with my projects?

A. I did not hear you.

General Lee's question. Do you recollect anything I said to General Washington, as to the disposition of

the troops, when we came up to the hill where Lord Stirling's line was formed?

A. You said you had all got there, and would be glad to know what His Excellency would have done with them; whether he would have you arrange them in front, flank, or rear.

General Lee's question. Where was I when you first brought me the intelligence of the troops on the left having been gone off, whether advancing or retreating?

A. I think it was on the road leading from the Court-house to the left, but whether to Amboy or Middletown, I cannot determine. You were going, I think, to the left, and Colonel Hamilton had just left you.

Major-General Lee produces to the Court a letter from Colonel Morgan, which being read, the part admitted as evidence is as follows:

"Mannsquare [Manasquan] Brook, June 29, 1778.

"SIR,

"General Lee wrote me yesterday, at one o'clock in the evening, he intended to attack the enemy's rear this morning, and ordered me to attack them at the same time on their right flank."

COLONEL JACKSON being sworn, says:

On the morning of the 28th of June, I received orders from Colonel Brooks, then acting as Adjutant-General to General Lee's division, to march the detachment then under my command, and fall in the rear of General Maxwell's brigade. There was some misunderstanding between General Scott's detachment and General Maxwell's brigade, by both coming into the road the same time, and I fell in the rear of General Scott's detachment. While I was there, I received orders from General Wayne's Brigade-Major to march in front and join the advance guard, under the command of Colonel Butler. I was furnished with a guide for that purpose, and joined him. I believe we marched on four or five miles, more or less, when we discovered the enemy

by Monmouth Court-house, a party of horse and a party of infantry. At this place General Lee ordered us to form the line in front of a wood. Then General Lee rode towards the enemy, soon returned, and ordered us to advance. Colonel Butler was ordered off, and I imagined at that time that he was ordered off, to fall in between that party at the Court-house and their main body. I did not hear the orders. At this time the division under General Lee was halted. There came up orders from General Wayne, for my detachment immediately to join Colonel Butler; but before that I had orders from General Lee to march through the woods upon my left, to support Colonel Oswald with the artillery. Colonel Oswald was then on the ground with General Lee's division, and upon these orders coming up from General Wayne, General Lee ordered me off immediately to join Colonel Butler, and desired Colonel Malmédie to guide me to Colonel Butler, who was then, I imagined, about a mile and a half obliquely to the left in my front; and, on my march to join Colonel Butler, I heard several cannon fired, but from whom I could not tell. I found Colonel Butler just in the skirts of the wood, and as I came up I heard General Wayne order him to cross an orchard and march on towards the enemy, and ordered me to follow him. That body of the enemy that I saw at first at Monmouth Court-house had joined a body of men that I took to be their main body. The body I saw at Monmouth Court-house I took to be a decoying party, on account of my seeing the body, which I took to be their main body, so near. Upon the order being given, Colonel Butler's men marched on, and my men having marched a mile and a half on the run, Colonel Butler was about one hundred yards in front of me, Colonel Butler had crossed the orchard, and got into the plain; just as I had got into the orchard I saw a large column of dust about four or five hundred yards upon my right flank. The first that I knew what it was, was one of our light-horsemen rode up and said: For God's sake

form, or we are cut to pieces. I immediately ordered the divisions to wheel to the right and form the line. Colonel Butler at this time had formed the line about one hundred yards upon my left. Our light-horsemen rode upon each flank and went into the rear, and went off. The British light-horse pursued them until they got to within about forty yards of us, when they discovered us and discharged their pistols. Some of my men were going to fire, but I ordered them not to fire until I had given them orders. As soon as the British light-horsemen fired Colonel Butler's men fired, and the enemy rode off as fast as they could ride. I stood in that position, as near as I can recollect, for about ten minutes, when I received orders from Colonel Butler to join him and march on. I wheeled into divisions and marched on. Colonel Butler marched on likewise. I was still about one hundred yards in his rear. At this time I could see a very heavy body of the enemy as far as I could see from their left to their right. As Colonel Butler and myself were marching across this field, the enemy opened two pieces of cannon, or more, on Colonel Butler and myself. After they fired several shot Colonel Butler went into the woods. The second shot they fired struck the arm off of one of my grenadiers. The reason I imagined Colonel Butler went into the woods before me, was his being so much nearer to the woods than I was. After the enemy had fired ten or twelve shot, and seeing nobody in my front, I ordered my detachment to oblique to the left, and form under cover of the wood that I imagined Colonel Butler went into. In forming them as the road run, it threw my left down into a valley. At this time the enemy had ceased firing where they had at first opened their cannon on Colonel Butler and myself, and advanced, through a field, a very heavy column from their left, of what appeared with a considerable body of horse. I believe it was before this time that Colonel Oswald came up to the orchard where we were at first charged, began to play on them, and exchanged a number of

shot. A body of men (under the command of Colonel Grayson, as I understood afterwards) marched upon the left of Colonel Oswald. This body of the enemy kept advancing. The cannonade ceased between Colonel Oswald and the enemy, and I did not like my situation at all, as there was a morass directly in my rear, and a height that commanded the morass. I called Lieutenant-Colonel Smith to me, who was the next in command in the detachment; I asked him if he did not think it best for me to cross that morass and post myself upon the height that commanded it. He asked me if I had any orders. I told him no. He made reply, for God's sake don't move without you have orders. I either desired him, or he offered himself, to go and see if there was any person to give me orders; he returned in a few minutes and told me there was no person there. Knowing my situation to be exceeding bad, I told him, then I'll risque it, and I'll cross the morass; I ordered the detachment immediately to move. As we were moving, a gentleman came up to me, and asked me if I had seen General Scott or General Wayne. I told him I had not for some time. The gentleman rode towards the enemy, returned in a few minutes, and told me to retreat into the woods, the woods being on my left flank. When I retired the men to go across the morass, I marched from the left, and Lieutenant-Colonel Smith led the detachment. When we had got well in the woods, the detachment halted; I went up to Lieutenant-Colonel Smith to know the reason of their halting; he told me the men were beat out, and could go no further, and thought it was best to halt there eight or ten minutes to give them breath. After laying in the woods, I believe, one-quarter of an hour, (no cannon being fired at this time, nor did we know what was going on) a gentleman came up and asked me if I wanted to get out of the woods, and that the enemy were close in our rear. We formed and marched on until we came up with General Lee's division again. General Lee ordered us, when we got in a plain to

form against a rail fence. After we had formed there, he ordered us to retire to a fence in the rear, and ordered us to form there again. After this General Lee, if I recollect right, ordered me to retire, and said, for I mean to effect a retreat, (but before this Colonel Oswald came up with his cannon and cannonaded the enemy.) This was on a plain about a mile on this side the Court-house, between the Court-house and English-Town. I retreated then into a wood in the rear of this plain, stopped there a little time, and those in my rear called out, Colonel Jackson, march on! march on! and I don't recollect that I halted the men again until I got in the rear of English-Town.

General Lee's question. Do you recollect the reason of that great interval between your detachment and Colonel Butler's?

A. The first of my seeing you, I rode up and told you that my men had but thirteen or fourteen rounds of cartridges. At this time Colonel Butler was ordered off. You told me that you would see that I was furnished, by taking one cartridge from each man, and you ordered me to send my sergeants out for that purpose, with one of your Aid-de-Camps. After this you ordered me on, and I gave you for answer that my sergeants had not returned from collecting the cartridges. In a few minutes afterwards they returned, and the cartridges were delivered to the men, and we marched off in a very short time afterwards, I don't know but instantly. This, I believe, was the reason of the interval.

General Lee's question. Had you not every reason, from my appearance, and from what was done, to suppose that I was determined to attack?

A. I had. I remember when I got through the wood, where I fell in with Colonel Butler, I saw the head of the column advancing, which I took to be the head of your division, through the road. I remember when we had formed the line in the wood, several persons came up and brought intelligence, some that the

enemy were retiring, and some that they were advancing; and you said that the enemy were either playing a game at chess, or you intended to play a game of chess with them.

General Lee's question. Do you recollect the person who came up to you and asked you if you had seen General Scott or General Wayne?

A. Two or three days after the 28th of June, Captain Mercer asked me if I did not recollect some conversation that passed between him and me, when he came up and asked me if I had seen General Scott or General Wayne. I told him I recollected that a person came up to me and asked me if I had seen General Scott or General Wayne, but did not recollect the person; he told me he was the person.

Q. What reason had you to suppose that was the main body of the enemy, that the body that you took for a decoy had joined?

A. The reason that I took them for the main body was, because I could not suppose they could afford so large a rear guard as that body appeared to me; as far as I could see them they appeared to be moving. The front was advancing, and the whole appeared in motion. The horse that charged might have been the same horse that I saw near Monmouth Court-house.

Q. When you were marching on after Colonel Butler you mention to have seen a very heavy column of the enemy, as far as you could see from left to right; was this the same body you have mentioned you took for the main body of the enemy?

A. Yes.

Q. Do you know the gentleman who offered to conduct you out of the woods?

A. I don't; he was a countryman.

Q. Could you estimate the number of this body of the enemy?

A. I should have supposed the apparent number to be at least three thousand men, but as I saw no end to them, I had reason to suppose there were more.

The Court adjourns till to-morrow, at nine o'clock.

JULY 22d.

The Court met according to adjournment.

LIEUTENANT-COLONEL OLNLY being sworn, says :

That on the morning of the 28th of June last, as Generals Scott and Varnum's brigades, under command of Major-General Lee, were advancing towards the enemy at Mor.mouth, after they had marched about a half a mile below the Meeting-house, on the road leading to Monmouth, a small skirmish happened a little in front between the British horse and militia, in which the militia gave way. On seeing this, Major Edwards, one of General Lee's Aids, directed Colonel Durkee, the then commanding Officer, to post the troops as advantageously as possible, until he could ride into the rear and inform the General what was passing in front. The troops were accordingly formed on a height in front of the Meeting-house and in rear of a morass. The General soon arrived in front, and after some little time the troops were ordered to advance, but intelligence was brought that the enemy were advancing upon us with cavalry and a heavy column of infantry, which induced the General to order the troops to retire over the morass and take post on their former ground. Soon after this the General received information that the enemy were not advancing. We were then ordered to move on again, but had not advanced far, when more authentic intelligence was brought that the enemy were actually advancing with a strong body of infantry and cavalry. On this we were ordered to our former ground, but before we had passed the morass, information was brought that the enemy were not within a mile of us, and were not advancing ; this occasioned a halt for a few minutes, and the General, seeing that no kind of confidence could be placed in the intelligence he had received, swore he would not depend any longer on such bad intelligence, but would march the troops on until he saw the enemy, and after marching about a half a mile a scattering fire began with some troops in front.

We then took a road through the wood on our left, which brought us into the cleared land, in full view of the plains in front of the Court-house, where we discovered a large body of the enemy paraded in the edge of the wood on the further side of the plain. We were halted, and a small body of men appeared in front on the plain near the wood, who the General took to be the enemy, and accordingly detached me, with Colonel Angel's regiment, with orders to go through the wood on our left and attack them; but on a near approach I found them to be our men. I then marched the regiment out on the plain and formed the line in view of the enemy, where I halted a few minutes; but seeing the enemy were advancing in column from their left, and our troops retiring, I then wheeled the regiment by platoons to the right, and marched off to join the brigade, but before I had joined them I was met by General Lee and General Wayne, who ordered me to move on and cover the artillery under Colonel Oswald, then playing upon the enemy; but before I came up to the ground the artillery had moved off. I then fell in and joined the brigade; by this time we had two men killed and two wounded with cannon shot, in Colonel Angel's regiment, which, however, did not disorder or confuse the troops. After retiring near a mile, the troops were halted for about ten or fifteen minutes in an orchard, to refresh themselves, but the enemy gaining fast upon us we retired across a morass and formed upon the height north of the orchard. The artillery at this time being a little in our rear, and as the enemy were within reach, two pieces, I think, under Captain Cook were ordered to move up and play upon them. Soon after this I saw the troops were again retiring, and General Varnum's brigade received orders from General Wayne to retire along the road on our left to cover the artillery in front, or it would be lost; we immediately filed off to the left, and before we had formed the line, Colonel Hamilton rode up to the brigade and ordered us to form with all possible dispatch,

or he feared the artillery in front would be lost, and by the time we had formed the enemy had advanced within good musquet shot, and the two pieces of artillery had got nearly to the fence, and as soon as they had passed into our rear we began the fire, and after exchanging about ten rounds with them we were obliged to retreat with considerable loss on both sides, but not till after the enemy had outflanked us and had advanced quite up to the fence by which we were formed. We then made the best retreat in our power into the rear of the army, where we collected as many of the brigade as we could find, and marched back to English-Town.

General Lee's question. What corps did you find when you marched up to attack them and found to be our people?

A. I don't know what corps, but I think it was the corps commanded by Colonel Butler.

General Lee's question. In the course of the day, do you think our troops were in good order, considering circumstances?

A. Yes. [The men were exceedingly fatigued, and there were but few stragglers.] All the other men that I saw kept their platoons and divisions with the greatest exactness.

General Lee's question. Did you observe in me clearness, precision and attention, through the course of the day, or the reverse?

A. Whenever I saw you you appeared to possess as much coolness and calmness as any Officer I was ever in action with, and you did not appear to be confused.

Q. How many men of the enemy could you perceive that were paraded in the skirt of wood?

A. I took these that were moving and those that were halted, to be between four and five thousand.

Q. Did you see a body of the enemy move from this skirt of wood towards the Court-house?

A. Yes.

Q. How great a number did you suppose them to be?

A. I took them to be upwards of fifteen hundred or near two thousand men; these were all that I saw move from that skirt of wood.

Q. By whose orders did you retire to English-Town?

A. We had no particular orders, but after we had got in the rear of the army, Colonel Russel, who then commanded the brigade, seeing that a great number of the troops were retiring towards English-Town, told, as the men were exceedingly dry, to form what men we could and march where we could get water, which was to English-Town.

Q. In your retreat did you meet with any part of the main army that was advancing?

A. I do not recollect that we did.

Q. Which road did you take?

A. We took the same road we advanced on in the morning; the plain road, I took it, from English-Town to Monmouth Court-house.

Q. Was the main body of the army formed?

A. Yes; I saw two lines which we passed by.

Q. What part of the retreating troops were you in?

A. Nearly in the rear.

Q. Were you present when General Lee received the several pieces of intelligence respecting the enemy, or did you understand it by hear-say?

A. I was present.

MR. GILMAN being sworn:

General Lee's question. Do you recollect bringing a message to me from General Washington, and the time?

A. In the morning of the 28th of June, I think about ten o'clock, the Adjutant-General, by order of His Excellency, sent me to you to see how far you had advanced, and to get information of the intelligence you had of the enemy. I came up with you about a half a mile beyond the morass, which afterwards parted the enemy's army and ours. I asked you what intelligence you had of the enemy. You told me you had been

deceived by false intelligence, which had detained you ; first hearing that the enemy were formed in the village, then that they were marching off, then more authentic intelligence that they were formed in the village. I then asked you where the enemy were. Colonel Laurence, who was then present, told me if I would ride with him he would shew me. We rode near the village, and found the rear guard was just marching down the road to Middletown. I then proceeded down by the left flank of the enemy, where I discovered five or six men of ours without an officer. I advanced with these men near the enemy. Upon our near approach, they began a scattering fire, and their cavalry made a charge upon some horse in our rear. An officer then came from General Wayne with some orders to the party with me ; upon which I left them and went to you, who I found on the right near the road leading to Monmouth Court-house, informed you I was going to His Excellency, and asked you what I should tell him. You replied I might tell him they had attacked the rear guard of the enemy, and you were in hopes of cutting them off. I then went back to General Washington, who I met at the head of a column, about one mile back of Freehold Meeting-house.

General Lee's question. Do you recollect my asking you where the General was, and your telling me ?

A. Upon my first seeing you I think you asked me where General Washington was. I told you I left him at English-Town.

Question by the Court. When you speak of a scattering fire, was that fire made on the party with you ?

A. Yes ; there were no other troops near at that time, that I saw.

LIEUTENANT-COLONEL OSWALD being sworn, says :

The evening of the 26th of June, at Cranbery, I joined the two brigades, Scott's and Varnum's, with four pieces of artillery. About one half an hour after one in the morning of the 28th, we were assembled about

three-quarters of a mile in the rear of English-Town, on the heights, and marched into English-Town, where we were detained some time for want of a guide. The guide being procured, the two brigades, Scott's and Varnum's, under the command of Colonel Grayson, advanced towards Monmouth Court-house, having about six light-horsemen in front. As we were advancing we overtook several small parties of militia falling in in a very confused manner. When we reached the first morass just in front of the position, afterwards taken by Lord Stirling, we then received intelligence that the enemy were near us. Colonel Grayson and myself rode up in front upon the hill, where we found General Dickinson with a few militia. I heard General Dickinson advise Colonel Grayson not to let the troops advance any farther, until he had made himself farther acquainted with the situation of the enemy; that as there were two roads which led from Monmouth Court-house, one on our right, the other on our left, to English-Town, it might be an easy matter for the enemy to advance a column of their troops on each road, and cut off our retreat to English-Town. By this time I discovered Colonel Durkee marching the troops and taking post on the ground where Lord Stirling afterwards took his position. Here we had several false alarms, that the enemy were advancing; and then that they were not advancing, and a small fire with the militia in our front. Colonel Grayson then advanced with his regiment, where the militia were engaged, and I followed with one piece of artillery, and when we got in front of the hedge-row we saw no enemy. General Lee, General Wayne, and some other officers came up at this time, and rode off, as I suppose, to reconnoitre the enemy; soon after they returned, I received orders from General Lee, as I understood, and Colonel Grayson's regiment, to join the two brigades, Scott's and Varnum's, upon the hill. At this bridge we had crossed and recrossed two or three times, in consequence of the intelli-

gence we had received being vague and uncertain. Colonel Butler's detachment, and Colonel Jackson's regiment came up, and were advanced in our front in the road; Scott's and Varnum's brigades followed them. After marching about a mile and a half or two miles, we were halted while some dispositions were making for an attack. After getting to within about a half a mile of the Court-house we were informed the enemy were there. I then rode out into the plain and discovered their infantry and horse at the Court-house; then ordered a party of artillerymen to make a breach in a fence, and moved out with the two pieces I had in front. General Lee, who had been, I suppose, reconnoitring the enemy, rode up to me and ordered me back into the woods again, saying, that he did not mean to shew them that we had any artillery there, or to shew ourselves for the present; some little halt being made respecting some ammunition for Colonel Jackson, Colonel Grayson's regiment, who had been ordered to cover my two pieces I had in front, was then ordered off under Lieutenant-Colonel Parke, to support Colonel Butler, who was then advanced on the left; some part of Colonel Jackson's regiment was then brought in front, as a cover for the two pieces of artillery. We were then ordered to advance on a road leading nearly to the left, and running nearly parallel to the road the enemy were in. As it appeared to be a difficult road for artillery, and apprehensive that some accident might happen to the pieces from the badness of the road, being miry, rough, and uneven, I was halted in the main road, and riding out into the plain, I saw General Lee again, and requested that I might be permitted to go out in the plain with my pieces, for that I understood from a gentleman who was on horseback, that the enemy were retreating, and the enemy's rear in some confusion. I obtained the General's consent for one piece to go; but on observing as I had but one ammunition wagon for both pieces, and that I must either go with both or none, he consented to my going with both pieces, and observed

to an officer of light-horse, that a party of the enemy, which was judged to be their rear guard were ours, for that every man of them could be taken, and then rode off into the woods, as I supposed, to give orders for the attack. I brought out my two pieces into the plain, and advanced towards the enemy's rear, when I discovered a body of the enemy's horse charge some persons who appeared in no regular order on horseback, and pursue them near a skirt of wood, where I heard a discharge from our infantry, and saw the enemy's light-horse gallop off in great haste. As they were retiring I fired four or five shot at them from two field pieces, and supposing that the enemy were still retreating, I ordered Captain Wells to limber up the pieces, while I rode on in front to explore a morass to see if I could find a place to pass over with my pieces. I was informed by some gentlemen on horseback, that there was a causeway over it, over which I passed with the two pieces, advanced into a field of grain near the enemy, when I discovered they had formed in a line. Before I passed over the causeway, Colonel Malmedie called to me, and told me I should lose my pieces if I crossed over there, for there were no infantry on my right. I desired that he would ride into the woods and acquaint the commanding Officer there that I was going over the morass, and that it was necessary I should have some infantry to cover me. He rode off into the woods, I supposed for the purpose, and I passed over the morass into the grain field; I then unlimbered and began to cannonade the enemy, and discovered a small body of our infantry coming out of the woods on our left obliquing to my right in front of my pieces, which I first took for a covering party, but found they had passed me. I was under a necessity of ceasing firing until they had passed my front; at the same time I observed General Varnum's brigade obliquing in the same manner in my rear, with their two pieces of artillery. Here I had two men killed and two horses, and the men falling down by the pieces, two or three at a time, fatigued by the

heat, so that one of my pieces was disabled, and as I saw no infantry on my right or left but what were retiring, I availed myself of the opportunity of retreating under cover of General Varnum's brigade that was just in my rear. A little in front of the causeway General Lee came up and asked the reason of my retreating? I told him my round shot was all expended, and one piece disabled. He asked me if I had no more ammunition? I replied that the ammunition wagon had not been brought over the causeway, and as it was large and unwieldy I had left an officer to bring it over, but he did not get to the causeway with it before we retired over. The enemy begun to return the cannonade as soon as I had fired, and continued to cannonade us as we retired, and they were advancing. I then formed the pieces that were with General Varnum's brigade, the two pieces that I brought over, and two pieces under Captain Seward in an orchard, and began to cannonade a column of the enemy that was advancing on our right. That part of the enemy that had formed in line, which I at first cannonaded, it appeared to me, had formed in column, as there appeared to be two columns advancing at a little distance from each other. The enemy's artillery continued cannonading us. Here I remained for some minutes, when I saw the infantry still retiring, and a number of persons on horseback crying out: Retreat! retreat! for that they were advancing on our right and left in columns. I ordered my pieces limbered up and to move off. I had scarcely got in motion when General Lee came up and ordered me to place the pieces there again, and remain till I had his orders to retreat. I renewed the cannonade again, and not many minutes after two or three French gentlemen from the Marquis de la Fayette's suite came and ordered me to retreat with the pieces. I paid no regard to the order, but continued the cannonade. Shortly after this the Marquis came up himself, and ordered me to retreat. I told him I had General Lee's orders to remain there, until I had his order to retreat, and could not retreat. He told me that

he had it in command from General Lee that I should retreat, and told me that the enemy were advancing on my left, and that there was none of our infantry on the right, and that I had not a moment to lose, and introduced a French gentleman to me who was to conduct me to an eminence with my pieces in the rear. After I had formed upon this eminence, which I suppose was about a quarter of a mile in the rear of where I was, I discovered on my left General Maxwell's brigade and General Scott's detachment coming out of the wood upon this eminence I had formed for action, and had taken two pieces from General Scott's detachment and two from General Maxwell's brigade, making in all ten. I heard some person just behind me ask one of my officers what we were doing there with the pieces, and why we did not retreat. I turned my horse about and saw it was General Maxwell. I told him I had my orders; upon which he said, very well, and went off. Soon after Colonel Livingston came up, and told me that he was ordered there as a covering party to the artillery. Here again I received various orders to retreat from sundry persons; one of the persons, I understood, was in the Marquis de la Fayette's family. Just after Major Shaw came up, and said it was General Lee's order that I should retreat. He rode off, and I prepared to retreat. Just before I had crossed the defile near Carr's house, several persons were calling out, drive on! drive on! As I supposed they had no business there, I paid no regard to them, but ordered the drivers to drive steadily on. Just after I ascended the hill on the plain, Major Shaw came up, and said it was General Knox's order I should form my pieces there; but before this, I had ordered the two pieces I had taken from Scott's detachment, and the two that I had taken from General Maxwell's brigade, to join their brigade again. The two pieces under Captain Wells being disabled by the men's suffering from the heat, I had before sent off, so that I had but four pieces left. Here it was I saw Colonel Fitzgerald; I told

him that my men were fatigued, two or three dropping down at the time by the side of the pieces, that I should be glad if I could get some fresh artillery brought up. He referred me to General Knox, who was just in my rear. The General came up to me, and I repeated my request, that I should have some fresh artillery sent up to me. He told me that I should have them. By this time the enemy were pretty near. I observed that Colonel Livingston, who had been ordered to cover me, was not in my front, as I faced the enemy. I supposed he had gone into the woods on my left, where Colonel Stewart and Lieutenant-Colonel Ramsay were; but I afterwards understood he was at the hedge-row, where General Varnum's brigade was. The enemy brought up their artillery and the cannonade began between both parties, and the infantry were engaged in the skirt of wood. After engaging some time, I received orders from General Knox to retreat. Captain Seward, who was on the right, moved off the ground; I brought up the rear with Captain Cooke's two pieces, and placed them on an eminence, just in the rear of the hedge-row, where I found the troops formed. Through the breaches that had been made in the fence I discharged several grapes of shot at the enemy, the infantry being engaged with them; General Lee at this time being a little distance on my right, observed that the enemy's horse were charging our right, and asked where were our horse. The enemy's horse then being on our right, and the infantry retiring from the fence, General Knox came up and gave orders for the pieces to go off. I retired with the two last pieces to the hill where Lord Stirling had taken his position.

General Lee's question. When I came up to you, you informed me that you wanted round shot at the time when the first retreat was made, were you not convinced, from everything I said, and from everything I did, that the first retreat was without my orders, without my knowledge, and contrary to my inclination?

A. From your asking me that question, the reason of

my retreating, I should suppose you did not intend to retreat.

General Lee's question. Are you certain that it was General Scott's detachment and General Maxwell's brigade that you saw come out of the wood, or their artillery only?

A. I am not certain that it was General Scott's detachment, but I got their artillery, and there was a body of men with the two pieces; but I am certain it was General Maxwell's brigade.

General Lee's question. As Colonel Fitzgerald, when he spoke of your embarrassment, with respect to your pieces not being supported, do you recollect that then there was a body of men on your left in the wood to support them?

A. I recollect that there was a body of infantry engaged in the woods on my left then, but I do not recollect they had particular orders to support my artillery.

General Lee's question. Through the whole course of the day, did I not shew the greatest attention, and take the greatest care, that the battalions should support the artillery, and the artillery the battalions, in all my retrograde manœuvres?

A. Colonel Grayson's regiment was first ordered to support me; when he was ordered off, part of Colonel Jackson's regiment was ordered to support my pieces, and Colonel Livingston's regiment was ordered likewise for that purpose, all at different times, by you, and I had great attention paid to the support of the artillery by you.

General Lee's question. Through the whole process of the day, and upon all occasions, was I not perfectly composed and tranquil, and fully possessed myself?

A. You appeared calm and intrepid, and seemed fully to be possessed of yourself.

Q. What disposition was made for attacking the enemy after you had marched about a mile and a half or two miles, and halted?

A. Colonel Butler's corps and Colonel Jackson's corps were advanced on the enemy's left flank in the woods, and I heard General Wayne address himself to the regiment that was in front of the artillery, which I suppose was Colonel Grayson's, and say: Now, my brave Virginians, you are the boys that are to make the attack, or charge; here are the artillery and the infantry in your rear, who are to support you.

Question by the Court. How great was the number of the enemy that you discovered when they were advancing in two columns?

A. I supposed the number might be between two and three thousand; I formed no exact judgment of the matter.

Question by the Court. Was the whole of your artillery at all times well supported?

A. I was exposed at different times; no infantry being on my right or left, that I discovered, and had the enemy charged with spirit, I think I must inevitably have lost some pieces upon the last hill, when the enemy's horse had charged upon the right, when General Lee asked where were our horse? The infantry being retiring, had the enemy pushed on with spirit they must have taken the two pieces.

Q. When General Lee came up and ordered you to place your artillery there again after you had began to retreat, had you any infantry then to cover your artillery?

A. I discovered none on my right, but just before observed General Varnum's brigade go into the woods on my left.

Q. Did you apply to General Lee then for any infantry to cover your artillery?

A. I did not.

Question by the Court. When Colonel Livingston came up and told you he was ordered to the support of the artillery, did he tell you by whom?

A. I think he said by General Lee.

Question by the Court. Did you hear Colonel Livingston receive any orders to leave your pieces?

A. No. I suppose that, not observing that I had halted my pieces, and seeing the infantry retreating, he retreated likewise; but I understood afterwards he had formed at the hedge-row with General Varnum's brigade. I afterwards got in the rear of the hedge-row, and the infantry there were my support.

General Lee's question. Do you attribute your pieces being exposed to any want of precaution in me, the fatigue of your troops, to accident, or to the nature of the manœuvre?

A. Not from any want of precaution in you, but from the heat and fatigue of the day, both men and horses being exceedingly fatigued.

General Lee's question. Was not I in as great danger myself as your pieces were when the enemy's light-horse attacked on the right?

A. You were.

General Lee's question. When the troops retreated, was I not one of the last that remained on the field?

A. You were.

The Court adjourns till to-morrow, at nine o'clock.

JULY 23d.

The Court met according to adjournment.

BRIGADIER-GENERAL DU PORTAL being sworn:

General Lee's question. Did I not intreat you to go up and find out a proper position in our rear?

A. Yes.

General Lee's question. Did I give you any reason for not going myself?

A. I do not remember.

General Lee's question. When I rode up to the position which you discovered, which you thought was a proper one to halt and face on for some time, did you not observe to me, that that spot was commanded by one in front, which was separated from us by a ravine, and that I should place some pieces of cannon likewise there?

A. That spot in front was a part of the position I meant you should take.

General Lee's question. Did I not afterwards request you to go with Mr. Wykoff to look for a position?

A. I don't remember that you did.

General Lee's question. Did I not request you afterwards to ride off with some gentleman to look for a position?

A. I don't remember that you did.

CAPTAIN CUMPITON, of the artillery, being sworn, says:

The action of the 28th of June, I was in General Lee's division, under the command of Captain Cook, with two pieces of artillery, attached to General Varnum's brigade. We left English-Town about sunrise, or a little after, on our march to Monmouth Court-house. The brigade halted about a half a mile in front of Freehold Meeting-house, with a morass in our front. We got our pieces in readiness for action; about this time there was a skirmish in a skirt of woods in our front, that was said to be by the militia and the enemy's light-horse. I saw the militia retreat, form and advance on the enemy. Shortly after this I saw General Scott's brigade, commanded by Colonel Grayson, advance. In about ten minutes after this, we received orders to limber our pieces, and advance with the brigade we were attached to. We rose a hill in front of the morass about three hundred yards; we there formed, unlimbered our pieces. Shortly after this I saw several persons riding up, among whom was a light-horseman; he said the enemy were advancing. We received orders to limber our pieces and retire with the brigade. By the time the front of the brigade had got to the morass, I saw General Wayne coming in great haste; he ordered the brigade to halt; in consequence of which I suppose the brigade was halted. Shortly after this I saw General Lee; a person, who appeared to be an inhabitant, rode up to General Lee, informed him there was a heavy column of the enemy advancing on

our right. General Lee desired him to go about his business, and not again to bring him any such reports. General Lee then ordered his Aid, Captain Mercer, to go himself, and see what number of the enemy there were: Captain Mercer returned in a short time and confirmed the intelligence the General had just before received. We then received orders to retire in rear of the morass, took the same ground we not long before had occupied. A short time after this we received orders to advance; after advancing about a mile I saw General Scott coming out of a field on our right, he said the enemy were in full view. We halted at this place in the road; at this time there was a scattering fire upon our right. As we were halted I went up to the side of the fence, I saw several light-horsemen that were exchanging shot singly at each other; we then received orders to advance, met with a fork of a road, and were ordered to take the left-hand ground. We advanced on the road about three-quarters of a mile, halted in a ploughed field, unlimbered our pieces; there soon began a fire on our right, in a skirt of woods. Soon after this there began a cannonade from the enemy; we received orders to file off by the right. This time the enemy were marching obliquely to their left; we crossed a morass, and retired near to Monmouth Court-house, we there formed; by this time the enemy were in front of us. A cannonade began from both parties. The enemy then filed off by their right; I then lost sight of them by the means of a piece of woods that was in the left of our front. I saw General Lee on our left; he asked, who in the name of God had ordered the troops from a piece of woods he had placed them in. At this time Colonel Oswald was the nearest to him of any officer I saw; I did not hear any person give the General an answer, but his expression was, his orders not being obeyed might or would prove the ruin of the day. We received orders to march, retired upon a hill that was to the right of us in our front as we were retiring. By this time our

men were very much fatigued that were at the pieces. Some French gentlemen rode up. Colonel Oswald at that time informed the gentlemen who rode up, that the men were so much fatigued, it would be necessary that they should form in a wood for the benefit of the shade. We moved from that place, but not in a wood. Shortly after this our pieces were ordered to advance. We advanced; a cannonade between the enemy and us began; the cannonade lasted until we had fired a dozen or fifteen rounds from each piece. We again received orders to retire, fell in the rear of a piece of wood. After we had halted, I saw a person, who I took to be General Maxwell, coming from the wood which was in our front; he asked Colonel Oswald or Captain Cooke, why the pieces of artillery did not move off. He was answered by one of the gentlemen, that we were ordered there with them. Shortly after this there was a considerable skirmish in the woods in our front; our people gave way. General Knox was very near me, and ordered me to give the enemy a shot; I told him I was fearful of injuring our own people, but, to the best my remembrance, he told me I might fire over their heads, or to their right, or any way so as not to injure our people, but to check the enemy. We then limbered our pieces and retired a short distance, formed in the rear of a party of troops that were there to cover our pieces. The enemy were advancing; a very heavy fire began of musquetry in our front and on our left wing. General Knox gave us second orders to give the enemy a shot. I believe our people made a stand there for about two minutes; after giving them two or three charges of grape shot, we were ordered to retire. The main body of our army, as I supposed it to be, were then formed upon an eminence in the rear of the morass we first crossed in the morning. We retired across the morass. By the time we had crossed it with our pieces, there began a cannonade from our army who were on the hill. When I joined the main body of the army, my men were so much fatigued, and only

eight of them left with two pieces, that Colonel Oswald ordered me off the field.

General Lee's question. \ Do you recollect any point of time in the day that I did not pay a proper attention to the support of the pieces that you were near ?

A. I don't recollect any part of the day that the pieces were not well supported.

General Lee's question. Don't you think that the two pieces of Captain Cook's, near the hedge-row, were well supported by a cross-fire of infantry from the woods ?

A. Yes.

General Lee's question. Do you recollect Colonel Fitzgerald's coming up and speaking to you or Captain Cook ?

A. I don't recollect it.

LIEUTENANT-COLONEL BROOKS being sworn, says :

About one o'clock in the morning of the 28th of June last, General Lee received an order from His Excellency General Washington, for detaching six or eight hundred men to advance near the enemy, view their situation, give him frequent intelligence, and in case they retired to attack them ; for which purpose, as the two brigades of Scott and Varnum's consisted of about six hundred, orders were sent to Colonel Grayson, as the commanding officer of the two brigades, to hold himself in readiness to march at the shortest notice. At about six o'clock they began their march from English-Town towards Monmouth Courthouse, having been detained for want of guides. At about this time General Lee sent me with orders to the several detachments and Maxwell's brigade, to prepare for marching immediately, leaving their packs behind under proper guard. At about seven they followed the two brigades just mentioned in the following order—to wit, Wayne's and Scott's detachments, Maxwell's brigade and Jackson's corps. As soon as the whole were in motion, I immediately rode for-

ward towards Monmouth, and found General Lee at the Meeting-house of Freehold. Intelligence was now received by means of the militia, that the main body of the enemy moved from the Court-house at two o'clock, and that only a light party of infantry and cavalry remained to cover their retreat. General Lee now rode on to the height beyond that on which General Washington afterwards formed the main body of the army, where he found General Dickenson and a few militia, Colonel Oswald, with two pieces of artillery, and one battalion of Scott's brigade to cover them. Upon General Lee's mentioning to General Dickenson the intelligence he had received concerning the enemy's retreat, he discovered a considerable warmth, and insisted in the strongest terms that the main body of the enemy were still at the Court house, and that the situation of the troops now on the ground where he was, was by no means secure, as there was but one avenue by which the troops could retire to the main body, or words to that effect.

During the period of General Lee's staying on this height, intelligence of the most contradictory nature was momentarily brought him; at one time the enemy will be turning our flanks; at another pushing in front; and now precipitately retreating. This occasioned Varnum's brigade and part of Scott's to pass and repass the bridge in the rear of the height several times, as it was agreed on all hands that it was by no means warrantable to risque an action on this ground. During these marchings and counter-marchings, the Marquis de la Fayette, at the head of the main body of General Lee's troops, arrived. General Lee now said, he would pay no farther regard to intelligence, but would immediately march the whole of his command, and endeavour to find the enemy and know their situation himself; for this purpose Jackson's detachment was ordered from the rear to join the advance corps, the command of which was, about this time, given to General Wayne. The column now began and continued its march for about a mile, till within view of Monmouth Court-house, at

which place there was a halt for near an hour, in which interval General Lee reconnoitred the enemy, who put on the appearance of retiring from the Court-house, somewhat precipitately and in disorder. When they had retreated about a mile from the Court-house on the Middletown road, they halted and formed on high ground. General Lee observed, that if the body now in view were all, or near all that were left to cover the retreat of the enemy's main body, instead of pushing their rear and obliging them to retire to their main body, he would have the whole prisoners, to effect which, after having a road pointed out to him for that purpose, he marched his main body to gain the enemy's rear, leaving General Wayne, with two or three pieces of artillery and two or three battalions, to amuse the enemy in front, but not to push them lest his project should be frustrated. After having passed the woods and coming into the plain, about a mile below the Court-house, being at some little distance from the front, I observed the head of General Lee's column filing to the right towards the Court-house. The whole of the column that I perceived kept on in the same direction till the whole made a halt, which lasted about ten or fifteen minutes. A cannonade had now taken place between us and the enemy, who at this time appeared to be gaining the Court-house and our right; at this time the column began its march, and I immediately rode to the left to see what position the troops were in. When I came to the rear of the left of Scott's detachment, I perceived a very great interval between that and the front of Maxwell's brigade, which at this time were halted in the wood. Upon General Maxwell's seeing me, he asked me if I had any orders from General Lee. I told him I had not, but I wanted to know of him why he had made that halt. He said it was thought adviseable for him to come out of the wood, as his men were under cover and out of the reach of the enemy's cannon. General Scott came up about this time, and observed that our troops were going off the

field towards the Court-house. Upon General Scott's mentioning this, and asking me whether it was the case, I told him I knew nothing of it if it was so. Upon this I left that ground and rode towards the causeway, just in the rear of which I observed Colonel Oswald with some artillery; during this time all the columns, except Maxwell's brigade, were marching to the right. After having seen several battalions pass the ravine, I returned to the point of woods where General Maxwell was, and found General Scott and General Maxwell standing together. General Maxwell again asked me if I had any orders; I told him I had not. General Scott says to me, the army is retreating. Upon which I addressed myself to General Maxwell, and begged leave to suggest to him, that if that was the case, I thought the point of woods a little in his front was a very advantageous situation for him to post his brigade to cover the retreat. General Scott, who stood by, replied, that no time was to be lost, and in terms that rather more than implied advice, insisted that Maxwell's brigade should go to the rightabout, and march off the ground, which, by General Maxwell's order, accordingly was done. As soon as this was done, I rode to the point of woods where I advised Maxwell's brigade to be posted, and observed the most of our troops who filed to the right had passed the ravine, and that the enemy were advancing. Upon observing the enemy and our troops about eight or ten minutes, I returned to the ground where the head of Maxwell's brigade had stood, but finding no troops in sight, I rode towards the ravine to find General Lee; but, finding the enemy were pushing that way, thought best to return, came round the ravine, partly in the route that General Maxwell had took, and found General Lee about a quarter of a mile on this side of the Court-house, coming off the ground with a number of columns of his troops. Upon riding up to the General, he says to me, you see our situation, but I am determined to make the best of a bad bargain. The troops, in a very easy,

moderate and regular way, continued their march until they had passed the ravine in front of Carr's house, where they were ordered to halt. After tarrying on that ground about one half an hour, I observed some of the battalions marching off the ground. Upon asking several officers who appeared to command the battalions, why they left the ground, they said it was by General Lee's and the Marquis de la Fayette's order. About this time the enemy's cavalry made a very sudden and rapid charge upon some parties of our horse, who were reconnoitring the enemy in front. I tarried on that ground till the whole of our troops had left it. After which I rode to the height upon which the principal action afterwards took place, where I found General Lee and some artillery, Varnum's brigade, Livingston's, and several other battalions. Upon asking General Lee his intention, he desired me to form these troops (pointing to Varnum's brigade) as quick as possible. After having gone through the line, I observed General Washington rising the height, and General Lee riding to meet him. Just as they had met I came up with General Lee. General Washington asked General Lee what the meaning of all this was: General Lee answered, the contradictory intelligence, and his orders not being obeyed, was the reason of his finding them in that situation. His Excellency shewing considerable warmth, and said, he was very sorry that General Lee undertook the command unless he meant to fight the enemy, (or words to that effect.) General Lee observed that it was his private opinion that it was not for the interest of the army, or America, I can't say which, to have a general action brought on, but notwithstanding was willing to obey his orders at all times, but in the situation he had been, he thought it by no means warrantable to bring on an action, or words to that effect. After this, General Washington left General Lee, was gone some considerable time, and returned. During General Washington's absence, General Lee observed some troops on the right in motion;

upon enquiring the reason, he was told by one of his aids, that it was done by General Washington's order. At this time, being asked whether some battalion should move from its present ground, General Lee replied, that he supposed General Washington meant he should have no farther command, and he could not say that he had a right to give any orders respecting the matter. Just after this, General Washington returned, and asked General Lee if he would command on that ground or not; if he would, he would return to the main body, and have them formed upon the next height. General Lee replied, that it was equal with him where he commanded. Upon this General Washington rode off the field; General Lee rode to the right. I never saw him afterwards on the field but at a distance. The enemy at this time had advanced towards our right with their artillery, and a heavy cannonade between them and our artillery had been commenced for some time, and our troops who were engaged in the woods were pushed out, the enemy being very close upon them.

General Lee's question. As you acted as Adjutant-General to my department, what number of men had I in the field that day under my command?

A. General Scott's detachment, when it left the main body, consisted of about fourteen hundred and forty; General Wayne's of one thousand, General Maxwell's brigade, as he told me, of nine hundred, Varnum's brigade of a little better than three hundred; Colonel Olney, at the time, told me it was between three hundred and three hundred and fifty; Scott's brigade was less than three hundred, Jackson's detachment of two hundred. When you marched from English-Town you ordered all the packs to be left, under the care of proper guards. After the troops had paraded to march at English-Town, I rode through the different encampments and found the baggage very strongly guarded. Upon riding up to several and enquiring the reason of so many men being there, I was answered in general that they were men who were lame, sick, and those

who were worn out with the march the day before, together with the guards who were left with the baggage. The idea that I then formed of those left on the ground was, that they were between four and five hundred in the whole.

General Lee's question. Did you advise General Scott and General Maxwell to remain on the ground?

A. I observed to General Maxwell more than once, that the point of woods in his front was a very excellent post for him to take while the troops were passing that ravine, as the enemy would not push the rear of the troops who were passing it, while that ground was occupied by his brigade. At the same time, upon the Captain of his artillery enquiring whether that ground was suitable for artillery, I observed to him that it would command the enemy partly in flank. I had no conversation with General Scott upon that subject.

General Lee's question. Did General Scott hear you address yourself to General Maxwell?

A. By what followed I then supposed he did.

General Lee's question. Do you know the ground which General Scott's troops occupied at the time you had this conversation with General Maxwell and General Scott?

A. Four minutes before the conversation took place I knew the ground they occupied.

General Lee's question. Did you hear me express great indignation at General Scott's quitting his ground?

[A. I did repeatedly.

General Lee's question. Did I not give you every reason, from what I said and from what I did, to think that the first retreat was against my inclination and without my orders?

A. Upon my first coming up with you, some distance this side of the Court-house, after the retreat began, you informed me that several battalions had retired without your knowledge, and contrary to your orders; but observed, although it was extremely unsoldierly, yet you believed it to be a very happy thing for the

army, as the enemy were so much superior both in infantry and cavalry, in cavalry especially; for had that not been the case, that whole detachment at least must have been sacrificed, or words to that effect.

The Court adjourns till to-morrow, at nine o'clock.

JULY 24th.

The Court met according to adjournment.

General Lee's question to Lieutenant-Colonel Brooks. Did you see General Scott, and at what point of time, at the point of wood to which the head of the column had been marched?

A. I saw him and part of his troops in the wood. The head of the column at this time had arrived nearly in front of the orchard where Colonel Oswald afterwards took his post. When I first came into the open ground I rode up to the point of woods to take a view of the enemy; after tarrying there a few minutes, I returned and rode to the right of the column as far as Varnum's brigade; after tarrying there a few minutes and returning, I found the whole of, as I supposed, General Scott's detachment in the plain field to the right of the wood; his right battalion near the ravine and his left near the woods. I never saw him in the woods after that.

General Lee's question. How long a time was it after you left the spot where General Scott and General Maxwell stood, before you returned to it again?

A. I think it was not more than eight or ten minutes.

General Lee's question. Do you think that spot was evacuated before the troops on the right made any retrograde manœuvre?

A. When I returned the second time from the right to General Maxwell's brigade, the idea I formed in my own mind, from what I saw of the troops on the right, was, that their point of view to which they were marching was rather in front of the village. When I saw Maxwell's brigade forming a disposition to retire, it was

the first time that I had any thoughts of the troops leaving the ground. From what I observed, the retreat began upon the left.

General Lee's question. When I rode to the right, had you a horse to accompany me?

A. I had not, and gave up every idea of keeping with you.

General Lee's question. Where and on what business do you think I went about when I quitted you?

A. You went to the right towards where our troops were, as I supposed, to see that they were properly disposed of.

General Lee's question. Did you, through the whole process of the day, upon any occasion, observe that I was the least disconcerted or discomposed; and did I not appear to you as thoroughly possessed of myself as in common ordinary conversation?

A. You appeared, through the whole course of the day, to be as cool and deliberate, and thoroughly to possess yourself, as I can have any idea of.

Q. When General Scott observed that our troops were going off the field towards the Court-house, did you observe any of our troops in motion at that time?

A. When I came from the right the line was halted. I could not see our troops when General Scott made that observation to me.

Q. How long was it after you left General Scott before you saw our column marching to the right?

A. Not more than six or eight minutes.

Q. After that observation of General Scott, that the troops were going off, did you see General Scott's troops?

A. I did.

Q. Did you see them in motion after that?

A. When I returned from the right the second time, and came, as I observed yesterday, to the ground between General Scott's detachment and General Maxwell's brigade, the conversation ensued which I mentioned yesterday, concerning General Maxwell's going

off the ground. As soon as General Maxwell's brigade went to the rightabout, I went to the point of wood, and, looking to the right, observed Scott's detachment, or troops that I supposed to be his, going off the ground obliquely to the rear.

Q. Did you observe any other troops in motion at that time?

A. I did not. The cannonade was still continued. The troops on the right might have begun their retreat, but I did not observe it.

Q. Were you in such a situation that you could have observed them had they begun their retreat?

A. I was.

Q. Were the troops on the right ordered to retreat in consequence of General Scott's detachment and General Maxwell's brigade moving off to the left?

A. I know nothing but what General Lee told me, that they retired without his orders, which obliged him to leave the ground.

Question by the Court. From the observations you made, which wing did the enemy press hardest upon, the right or left?

A. They appeared to be endeavouring to gain the right. I did not see that any were pressed upon hard.

Question by the Court. Was any person sent to halt the retiring troops upon the left, that you knew?

A. Not to my knowledge?

Question by the Court. Did General Lee communicate to you his plan of cutting off that body of the enemy in the rear?

A. He communicated to me no other plan than marching his main body into the supposed interval between the main body of the enemy and their covering party.

Question by the Court. Had General Scott or General Maxwell any particular orders from General Lee respecting his plan, to your knowledge?

A. They were ordered to march on in the column in their proper places. I do not know of any other orders

being given. I informed the commanding Officers of most of the regiments General Lee's intention; that the enemy were on our right, and that General Lee expected to surround and take their rear guard.

Question by the Court. When you speak of troops going from the right towards the Court-house, what corps were they?

A. Varnum's brigade, and General Wayne's detachment that he commanded when he left Cranberry.

Question by the Court. Did General Scott's troops pass the causeway in their retreat?

A. Some of them might. I could not see the whole on account of a very heavy dust; but by the appearance I supposed they passed the ravine on the left of the causeway.

Question by the Court. How long was it after they passed, that you were going to pass the ravine, thought it not safe, and went round?

A. It was about five or six minutes. I was about ten at the point of woods, and they passed while I was there.

Question by the Court. When you saw the troops upon the right going to the right towards the Court-house, if a retrograde manœuvre had been then determined upon, would it not have been as well effected by the way of the Court-house as any other way?

A. I think it would not.

General Lee's question. In the situation the enemy were then in, in going towards the Court-house, did we not go nearer to them rather than farther off?

A. It was; as both, I supposed, were aiming at the village.

General Lee's question. When I communicated my intention of cutting off the enemy's rear, did you not understand I intended to take the command in person of the column General Scott was at the head of, and not to leave it to him?

A. You observed to me, about the time you communicated to me your intention, that the column that went

to the left you should command in person. A little before this you observed that you did not know but some of the general officers might take umbrage at their disposition, not having their places according to their rank ; but, as you meant to command the main body in person, thought they could make no difficulty or have no objection.

General Lee's question. In our situation was it possible that any general could, without seeing more of the enemy, form a precise plan ?

A. It was impossible, on the ground that you were on when you reconnoitred the enemy, to see the rear of the enemy's left or the road that led to their rear, so that a precise plan could not be formed. As you marched at the head of the column yourself, I took it for granted you meant to make your dispositions as you found the enemy.

General Lee's question. When I left the column did you not understand I went to the right to reconnoitre the enemy ?

A. I saw you in front reconnoitring, and expected you back to that point of woods again.

Question by the Court. After the first retreat did the troops form again ?

A. After the troops had retired down to a fence near Carr's house, they were ordered to halt. After they had halted a few minutes I observed some troops on the right of the house, which I took to be Varnum's brigade, forming in the orchard. Soon after the enemy's cavalry made a charge and came near that house, at which time I saw some troops, who they were I can't say, form the line and advance up to the fence.

Question by the Court. Was Maxwell's brigade or Scott's detachment there ?

A. Neither of them, to my knowledge.

Question by the Court. How long were the troops formed between the end of the first retreat and beginning of the second ?

A. I cannot precisely determine, but I should judge about an hour.

Question by the Court. Who gave the orders for the second retreat?

A. I never heard any orders given for it.

Question by the Court. What troops began the second retreat?

A. As I was advanced of Carr's house during almost the whole time of that halt, I could not determine; but the first that I saw, was Colonel Stewart's regiment, with the Marquis de la Fayette at the head of it. I supposed by appearances, that several battalions had moved off before them.

Question by the Court. After General Lee informed you of his intention to command the left of the army in person, did he join these troops?

A. Yes, immediately.

Q. When you saw General Scott's detachment going off the ground obliquely to the rear, did you see the enemy at that time?

A. Yes.

Q. Had their front entered the village at Monmouth Court-house?

A. I think it had not.

Q. Were they marching towards the Court-house?

A. They were not steady in their march, sometimes would move, and sometimes halted.

Question by the Court. How great a number of the enemy did you see when our troops began to retreat?

A. I don't remember through the whole course of the day to have attempted to have made an estimate of their number. From General Dickinson's intelligence, and on seeing from the point of woods, instead of a light party, as was represented by the militia and others who brought intelligence, a heavy column moving towards the Court-house, or to our right, the idea at once struck me that their manœuvre for retiring from the Court-house in the manner they did, was a mere finesse, and that their whole army was then on the ground.

Q. Did the troops retreat in order or disorder, and in what particular manner?

A. The retreat from the Court-house to Carr's house was performed, as far as I saw it, with great deliberation and in good order; they retired in general, I believe, in columns, by battalions, some by brigade. From Carr's house I did not see them so particularly, until they got on the other hill, being in the rear of them.]

BRIGADIER-GENERAL KNOX being sworn, says :

The first I saw of General Lee was near Monmouth Court-house, to which place I was sent by his Excellency General Washington, for a particular purpose. The troops of General Lee were then marching by their right in platoons or sub-divisions, and appeared to be gaining the Court-house; the enemy were at some distance, and appeared to be extending their front; the enemy were firing from some pieces of cannon, which was returned by some pieces under the direction of Lieutenant-Colonel Oswald. I had a short conversation with General Lee, and mentioned to him a morass which lay directly in his rear. He replied, that he was not sufficiently informed of the ground before that he came on it, and, that the morass was a disagreeable circumstance, but that he would endeavour to make the best of it; I left him at this time, and returned to His Excellency General Washington. I saw General Lee a second time, about a mile and a half in the rear of the Court-house, on this side of the ravine, opposite to which the British troops had retreated and took post in the evening. His Excellency General Washington and he were together; His Excellency expressed much displeasure to General Lee at the situation of affairs, and though I cannot ascertain the precise words, the sentiment was, that either he or General Lee must take the command of these troops, speaking of the troops that were present, and that it must be in an instant determination; if you will take the command, continued His Excellency, I will go into the rear and form the army; General Lee replied, I will do everything in my power, and your Excellency may rely upon it that I myself will be

one of the last men off the field. His Excellency directed me to have some cannon brought up and played upon the enemy, who were then cannonading from the opposite road, and directed me to stay with them, and then galloped off to the rear. (I asked General Lee why the troops retreated from the Court-house; he answered that he could not tell, for he never saw such disorder, for every one took upon himself to give orders without his knowledge.) Some of the cannon which had been out with the detachment were then on the field. I ordered my Brigade-Major, Mr. Shaw, to bring them up to a particular advantageous piece of ground. General Lee, in very forcible terms, pressed me to hasten them, and added that the place was very favourable. In two or three minutes, Lieutenant-Colonel Oswald, with Captain Stewart's and Captain Cook's companies, with four pieces of artillery, were placed and began to fire on the enemy, and continued to do so, untill the troops placed in the woods on the left were driven from it. We had no troops on the right as a covering party. I applied to General Lee in strong terms for a party on the right; he said he was very sensible of the propriety of the measure, and desired me to take the first troops I could get to place there. I asked permission to place Colonel Jackson's detachment there; he said it would be very agreeable to him, and he wished that I would; but before it could be effected we were obliged to retreat, by reason of the wood being carried on our left, and the enemy's horse crossing the ravine and marching to our right. The field pieces were repeatedly unlimbered and fired on the enemy, who advanced on our front in a scattered manner. Major Shaw, not readily finding Colonel Jackson's detachment, desired Lieutenant-Colonel Olney to take post at a hedge fence in front of a bridge over which we retreated. At this time, the enemy's light-horse were making a rapid movement upon our right, and we had retired with the pieces in the rear of the hedge fence, where General Lee desired me to have the artillery unlimbered, and observed at

the same time, that a particular knoll to which I was directing them, was formed by nature for the purpose. After a few cannon shot being fired at this place, the party posted at the hedge-row under Colonel Olney were attacked in front, and from a wood on the left, and the movements of the enemy's horse on our right obliged us to retire over the bridge in front of the grounds where Lord Stirling, with the left wing of the army, took post. After this I did not see General Lee.

General Lee's question. (Do you recollect when I complained to you of everybody's giving orders, that I complained to you of some officers disobeying my orders ?

A. I do not recollect the circumstances.)

General Lee's question. Did I observe to you how unluckily the eminences were situated through the country ; that those near the enemy regularly commanded those near us ?

A. I recollect the circumstance.

General Lee's question. Do you recollect the two regiments that were placed in front of the cannon, being so excessively fatigued that they had not the power of removing either to the right or to the left, to give the cannon a free passage to fire upon the enemy ?

A. I recollect Colonel Livingston's regiment being in that case.

General Lee's question. Did you think whenever you saw me, that I was perfectly master of myself, and not in the least discomposed ?

A. I thought you perfectly master of yourself ; the circumstance of pointing out the knoll, I thought a very good proof of it, though not the only one.

BRIGADE-MAJOR SHAW being sworn, says :

I was with General Knox at the time he was ordered by His Excellency with Colonel Hamilton down to Monmouth. When we came within about three-quarters of a mile of the Court-house, at which time there was a cannonade between the enemy and us, I was di-

rected by General Knox and Colonel Hamilton, to ride down a road upon our right hand, where there was a thick wood, to see if any of the enemy had passed that way. When I returned, our advanced corps were then moving off; the first I saw of General Lee was near the wheat field, at which time General Maxwell was with him; I then left General Lee. The next I saw of General Lee was upon a piece of ground, a little in front of the hedge fence where Colonel Olney was afterwards brought up to support some artillery; upon General Knox's observing that it was a suitable place for artillery, and having General Lee's concurrence, I was ordered by General Knox to desire Colonel Jackson, if I could readily find him, to come with his detachment and support the four pieces of artillery under Colonel Oswald; not readily finding Colonel Jackson, I applied to Colonel Olney, who was leading General Varnum's brigade, and desired him to form along the fence to support the artillery, which he did. Nearly about that time, His Excellency came down and addressed himself to General Lee, saying, as near as I can recollect, that we must determine immediately, whether you or I shall command the troops here; if you will command them I will ride and form the army in the rear. General Lee's answer was, I will do everything in my power, and shall be one of the last off the field myself. When I carried General Knox's orders to Colonel Oswald to remove to a piece of ground pointed out by General Lee and himself, he hesitated at obeying it, and said, that he had received so many different kind of orders, that he did not know which to follow; I told him that he knew me and those by whom I was sent, and that he would be answerable if he did not obey the order.

The Court adjourns till to-morrow, at nine o'clock.

JULY 25th.

The Court met according to adjournment.

CAPTAIN STEWART, of the artillery, being sworn, says :

I think, as near as I can recollect, on the 28th of June, I was on command with the Marquis de la Fayette. On the road to the left of Monmouth Court-house, about a mile, and about half after ten o'clock in the day, I heard the discharges of several pieces of cannon and some musquetry in front; immediately unlimbered my pieces, and on that the enemy were making a charge with their cavalry; General Lee came up and ordered me to limber, and be ready to march on immediately towards the enemy, towards Monmouth Court-house; at the same time General Varnum's brigade, and the Marquis's detachment, obliques to the right, leaving General Scott's brigade and Colonel Jackson's corps on our left. I received orders from Major Shaw to pass the morass in our rear, and to take post behind; there I unlimbered and kept a heavy fire of cannon on the enemy, the troops retreating under the fire of the cannon over the morass. The enemy then appearing in great force in our front, I fired fifty odd shot, and received orders from Lieutenant-Colonel Oswald to cover the retreat of Captain Cook's two pieces, and go on to another piece of ground in our rear; there I fired about forty shot, when the Marquis ordered me to retreat, and General Lee came and ordered me still to keep up the fire, as it was of service; at the same time I had a party of troops on my left to line the edge of the wood to cover my pieces. The wood was on the left of the hedge-row, and a small party of horse on my right; there I continued until I received orders from General Knox to go off the field.

General Lee's question. Was not the greatest attention paid, in the course of the day, to the covering and supporting the artillery in the different points of action?

A. Yes, both in advancing and retreating, and done in great order.

General Lee's question. What time of the day was it you were ordered off the field?

A. As near as I can recollect, it was near upon three o'clock.

Q. What number of the enemy appeared?

A. From eight hundred to one thousand cavalry, and from six to eight thousand infantry, and ten pieces of cannon.

General Lee's question. Did you observe the size of the enemy's cannon?

A. One twelve-pounder and the rest sixes.

CAPTAIN EDWARDS, Aid-de-Camp to Major-General Lee, being sworn, says:

On the morning of the 28th of June, I think between one and two o'clock, a letter was put into my hand by Mr. Dunscom, Officer of General Lee's guard, from Colonel Hamilton to General Lee, agreeable to the contents of which, General Lee desired me to write to General Dickinson, Colonel Morgan, and Colonel Grayson; the purport of the letter I wrote to General Dickinson was, to select out about eight hundred of his best men, and to detach them as near the enemy's rear as he could. These troops were to act as a corps of observation, and to forward the earliest intelligence to General Lee respecting the enemy; the purport of what I wrote to Colonel Morgan, I think, was for him to advance with the troops under his command near the enemy, and to attack them on their first movement; it was left to his discretion how to act, only that he should take care and not expose his troops so much as to disable him from acting in conjunction with General Lee, if there was any necessity for it. The letter to Colonel Grayson was, that he should get the brigade under his command in immediate readiness to march, and to send word when they were ready. In the morning, I think about daylight, Colonel Grayson appeared with

his men at English-Town, and applied to General Lee for proper guides; General Lee sent me to procure some for him, but the guides who were ordered to remain with us were not to be found. I went through the town to procure others, that he might get off as soon as possible. Colonel Grayson observed, that it was a matter of consequence, and that he did not chuse to move with any guides but those who are known. General Foreman came to General Lee's quarters, and said he would procure guides, which I supposed he did, as Colonel Grayson soon marched off. Colonel Grayson's orders, I believe, then were to march on about two or three miles, and then halt. General Lee, from some intelligence, which I supposed he had received, sent me forward to order Colonel Grayson to push on as fast as possible and attack the enemy. [Before I got up with Colonel Grayson, I met with one of General Dickinson's Aid-de-Camps, who informed me the main body of the enemy was near Monmouth Court-house, and he believed they were marching to attack us; he told me he was going with this information to General Washington; I told him he would meet General Lee upon the road, and he had better tell him of it also. I then proceeded on and overtook Colonel Grayson, who had at that time passed the Meeting-house; I told him of the orders that I had from General Lee, but that I supposed General Lee was ignorant of the present situation of the enemy, and that I fancied he had better not move on. Colonel Grayson went with me to General Dickinson, who was just ahead, advanced over a causeway. General Dickinson asked me where General Lee was; I informed him, coming on just behind; he told me we might rely upon it that the enemy had not moved, but were drawn up this side of the Court-house. I told him I would go back and inform General Lee of it myself. He called me back, and begged I would tell General Lee to post a brigade on the road which led to Craig's mill, for he was very apprehensive the British troops would send off a

large column down that road, and another upon his left, and cut him off. He asked me if I perfectly understood him ; I informed him I did, and went and informed General Lee of it. I rode back and told Colonel Durgee to take the best position he could, until he had further orders. I met General Lee and delivered him the message from General Dickinson. He sent Mr. Mercer to order General Maxwell's brigade upon that road, but observing two militia regiments, he told me to ride on and to post them upon a high hill that was on the road leading to Craig's mill. General Lee then proceeded on to General Dickinson, who gave him the same information he gave me. There were a number of militia officers there, who went out reconnoitering, some of whom brought intelligence the enemy had moved off, and it was only a covering party that remained. General Lee then sent me to order Colonel Durgee's brigade to advance over the causeway, which they did, with the artillery. Then, upon other gentlemen's riding up, and positively asserting the enemy's main force was still there, and was filing off in columns to the right and left, Colonel Durgee's brigade was ordered back again to take post upon the same hill. About this time much intelligence was brought by people riding backwards and forwards, equally contradictory, and equally apparently authentic. General Lee then said he would not believe anything he heard, but would advance forward with the troops himself and know their situation, which he did through a wood upon the left. Some time before we got to the Court-house, the detachment with Colonel Butler marched in line of battle through the wood, but upon General Lee's being informed that there was a large morass ahead, and they could not march in that manner, he ordered them to advance in column from the centre. Just before they arrived opposite to the Court-house they were ordered to halt, and General Lee went out upon the right with General Wayne to reconnoitre their situation, where a party of horse and some infantry

presented themselves to view near the Court-house. A few men were picked out to keep up a scattering fire upon them. General Lee desired me to take two light-horsemen, and go to a road that led to the left of the Court-house, and endeavor to get in the rear of it, to discover, as near as I possibly could, their numbers. I went, and got into the rear, and saw about five or six hundred filing off from the Court-house, and, I thought, precipitately retreating. I rode back to General Lee, and observed to him what I have related. He asked me if artillery could go up that road; I told him they could; he told me to take Colonel Durgee's brigade, with two pieces of artillery, and pilot them up that road, and get on their flanks and attack them. I led the brigade up the road that I had been; I then discovered the troops under General Wayne's command on the right advanced. I told Colonel Durgee that I had led him as far the road as I knew anything about, and consequently I had nothing more to do with him; that I would ride forward to the troops I saw advanced on the right to find General Lee. I rode on to where General Wayne was drawn up; I saw the enemy paraded just in the edge of the wood in front, upon an eminence with their dragoons. There were a few of our light-horsemen, who were advanced upon the right, at a very considerable distance. I saw the British dragoons parading, as I thought, to make a charge upon our dragoons. I rode up to the dragoons, and desired them to let the British horse come as near as they could, with safety, and then to retreat off towards where General Wayne was, and let him receive them. The British horse pursued until they came near General Wayne, when, upon receiving a fire from our troops, they wheeled off to join their main body. General Wayne then advanced, encouraging his men to advance on and charge the enemy with bayonets. I rode back to General Lee, who sent me forward to General Wayne again, with orders that he should make a feint or shew of attack upon the enemy, for that General

Lee had sent round a large column upon the left to surround and take them, if they should prove to be but a covering party, and that if General Wayne pushed on too precipitately it would subvert that plan and disappoint his intentions. These orders were delivered to me at that time, in such a particular manner that they indicated a certainty of success. I went and delivered them to General Wayne, and upon my return found General Lee advancing with Colonel Oswald towards the enemy with some artillery. A cannonade soon began; after exchanging a few rounds, our artillery began to retreat; General Lee observed it, immediately rode up, and asked the reason of it; Colonel Oswald answered that all his round shot was expended, and that the wagon with the ammunition was the other side of the ravine, which he thought would not be safe to bring over. We then observed a column of the enemy moving to our right; some gentlemen rode up to General Lee, and said the enemy were advancing in a large column, as he supposed to gain our rear or the Court-house. Our troops then began their march towards the head of the column of the enemy, which was marching towards the Court-house. General Lee was at the head of our troops who were marching; I rode up to him, and after going some little distance he told me he had sent Mr. Mercer back to tell General Scott to defend that ground that he was upon, but, that there might be no possible mistake, he desired me also to ride back with the same orders; in riding back I met Mr. Mercer just at the edge of the wood; I observed to him that I was going with orders to General Scott to defend that ground; he told me that General Scott had moved off; I asked him what we should do then, for it was General Lee's particular orders that that place should be defended; Mr. Mercer made answer so it was, and he could not help it. In riding back to General Lee we saw some troops in the wood upon the left retiring, which Mr. Mercer observed he supposed were General Scott's. At this time I had not the least

idea of our troops retreating, but that they were inclining obliquely towards the head of the enemy. We rode on till we came up with General Lee, and told him that the troops upon the left were gone; General Lee would scarcely believe it, and expressed in strong terms his disapprobation of it. A little after this our troops began to retire, by whose order I don't know. After retiring some distance General Lee ordered me to have some artillery drawn up on an eminence, some considerable distance in front of Carr's house, and ordered me to fix some troops on the left of the artillery in a wood to support it. I ordered Colonel Stewart with the troops that he was at the head of, to take post in that wood for the support of that artillery. General Lee likewise ordered me to have some troops posted in a little point of brushwood, a little in the rear upon the right of where the artillery were drawn up. I ordered Lieutenant-Colonel Parke with the troops that he was at the head of, to take post in that wood; the reasons I gave him for it were, that if the enemy extended their left, it would be a support to that artillery in his front. I think it was a little after this that General Lee rode up to Mr. Wikoff, and asked him, as he knew the country, where would be the best ground for him to make a disposition with his troops, that he might prevent the enemy from out-flanking of them with their cavalry. Mr. Wikoff pointed back to that hill, where our army was drawn up on when we arrived at it, and said that it was the best ground he knew of. The troops under General Lee continued their march, as I supposed, to avail themselves of that ground. Some distance forward, some artillery being drawn up on a hill, General Knox applied to General Lee for some infantry to support it; General Lee ordered me to bring that regiment, pointing to Colonel Livingston's, and ordered them upon the right to support that artillery. Colonel Livingston made answer, that his troops were excessively fatigued, but that he would obey. On Colonel Livingston's coming up, he got in front of the ar-

tillery ; a column of the enemy at that time presented themselves very fair ; General Lee ordered the troops to open to the right and left, to give the artillery an opportunity of playing on the enemy. There were some troops coming out of the wood upon the left of the artillery, in front of it, at the head of whom was Lieutenant-Colonel William Smith. General Lee ordered me immediately to order him to go back and to defend that piece of wood for the support of the artillery. I went and delivered Lieutenant-Colonel William Smith the order. General Lee then gave orders to have General Varnum's brigade drawn up in our rear, behind a fence, to cover the retreat of the artillery, and the troops advanced with them. We then rode on and met General Washington.

General Lee's question. Was I not, in the whole course of the day, calm and composed, thoroughly master of myself ?

A. I did not observe the least embarrassment in you, but much the reverse, as every order you delivered me was delivered with the same coolness as in common when out of the field.

Question by the Court. What number of the enemy appeared that day, in your opinion ?

A. I did not that day attempt to make any computation of the enemy, except the time I was sent to reconnoitre them back of Monmouth Court-house. I saw columns appearing in sight, but as I could not see the rear of them I could form no manner of judgment, but I had not a doubt then but that their chief force was there.

Question by the Court. What number of the enemy do you now suppose you saw that day ?

A. Two thousand might have appeared in my sight, but I did not see their rear.

Question by the Court. Did you know or understand by whose orders, or by what means, the troops upon the right in the first instance retreated ?

A. I had not a doubt but it was on account of Gene-

ral Scott's retreat upon the left, as General Lee expressed so much uneasiness at that post being left, but I do not know by whose orders.)

Q. How long a time after our troops first inclined to the right was it that you met Major Mercer, who informed you that General Scott's had left their ground?

A. I cannot now justly ascertain what length of time it was, but it might be fifteen or twenty minutes.

Q. Were any orders sent to halt the troops that were retreating after they began to retreat?

A. Frequent orders were given to different parts of the troops on the right to halt at different times to support the artillery. I heard General Lee likewise give orders to General Maxwell's brigade to take post in the wood over a morass some distance in front of where General Washington's position was.

Q. When you informed General Lee that General Scott's detachment was gone off from the post they occupied, did he send you to discover where that detachment was?

A. No.

Q. When you were sent with orders from General Lee to General Scott, did you go to the ground that detachment occupied?

A. I did not, for the reasons given in the body of my evidence.

Q. Did you see General Scott's detachment afterwards that day on the retreat?

A. I did not, to know them.

Question by the Court. At that time Mr. Wikoff pointed to the ground you have mentioned, were you then in sight of it?

A. I think we were, but am not certain.

Question by the Court. Did he describe it in such a manner that you knew it to be the identical ground?

A. I particularly recollect that he did.

The Court adjourns till Monday next, at nine o'clock.

JULY 27th.

The Court met according to adjournment.

General Lee's question to Captain Edwards. Do you recollect when I came up to General Dickinson what intelligence I received with respect to the ravine then in our rear, and of the nature of the country?

A. Upon your making inquiry respecting the country, you were informed by General Dickinson, or some of the gentlemen with him, that that ravine was not passable for troops and artillery in any other place but at that bridge.

General Lee's question. Do you think I paid proper attention from the first retrograde manœuvre through the intermediate space until I fell in with General Washington; and in what manner do you think it was executed?

A. -You, as I have already mentioned, gave me and others frequent orders relative to the retreat, in posting the troops for the security of the artillery. The troops marched in great order, and took their post regularly, except some at the latter part of the time, which were broke by a charge from the enemy, and which you yourself, in my presence, rode up and ordered to form again. The answer from the commanding officer of the troops was, that he could not form the men there, on account of a ravine or hollow, but would as soon as ever they got on plain ground.

The Court adjourns till to-morrow, at nine o'clock.

JULY 28th.

The President being indisposed, the Members adjourn till to-morrow, at nine o'clock.

JULY 29th.

The Court met.

The proceedings having been read by desire of Major.

General Lee, he requests until Monday to prepare his Defence.

The Court do consent to the General's having till Monday to prepare his Defence, and adjourn till Monday, at nine o'clock.

AUGUST 3d.

CAPTAIN STETH being sworn :

Q. Did you carry any orders from General Lee the 28th of June?

A. Yes.

Q. What orders did you carry?

A. The first order I remember to have carried from General Lee was, to order a party of men that were coming across the plain towards the Court-house, to cross a little meadow and to take post on a small height on the other side on the left of the Court-house. When we had retreated some distance, I carried another order from General Lee, which was for a party to take post in a piece of wood. The party was on the left, or rather in front, as we retired, and when I carried them orders, was in a field between the field of battle and the Court-house.

Q. Did you carry any orders to the Marquis de la Fayette?

A. I carried no order to him that I recollect.

Q. Were the troops, when they were coming across the plain, advancing to the enemy or retiring from them?

A. They were marching nearly parallel with the enemy towards the Court-house.

Q. Was the height they were ordered to take post on, in the rear of the line the troops were marching on, or in front of it?

A. It was rather in the rear of the line.

Question by the Court. Whom did you deliver the orders to, you first carried?

A. To the commanding officer of the detachment, but I do not recollect his name.

Question by the Court. Did the troops take post on the height agreeable to the orders you carried?

A. I did not see them take post; I left them as soon as I had delivered the orders, and rode on after General Lee to the village.

Question by the Court. How long did you stay in the village with General Lee?

A. I do not believe I was there ten minutes.

Question by the Court. Where did you go to from the village?

A. I left the village with General Lee; we went into the field, and from there to the field we met General Washington.

Question by the Court. Were the troops retiring at the time you left the village?

A. I believe they were. There was a piece of artillery retreating, and General Lee went up and ordered the officer to turn back towards the enemy.

General Lee's question. Did you conceive when I ordered the troops to take post on the height, that it was with an intention to retreat, or to put them in a better position?

A. I conceived it was to put them in a better position.

General Lee's question. Do you recollect my exclaiming against particular officers for evacuating posts they were ordered to?

A. I heard you say once or twice that officers had left their posts. I remember you mentioning General Scott particularly.

General Lee's question. When I ordered the officer back with the piece of artillery, when he was retreating, do you recollect whether he mentioned to me that he had orders to retreat?

A. I do not recollect.

General Lee's question. In the course of the day did I not appear possessed of myself, and not in the least disconcerted?

A. I saw nothing to the contrary.

Major-General Lee not being prepared to make his defence, requests the Court will give him until Thursday next.

The Court having considered the matter, consent to the General's having until Thursday next to prepare his defence, and adjourn till Thursday, at nine o'clock.

AUGUST 6th.

The Court met according to adjournment.

General Lee not being fully prepared for his defence, the Court adjourn till Sunday next, at nine o'clock.

AUGUST 9th.

The Court met according to adjournment.

Major-General Lee produces a deposition of Mr. Peter Wikoff, which, being admitted as evidence and read, is as follows :

On my informing Major-General Lee that I was perfectly acquainted with that part of the country where the action happened on the 28th of June last, and if I could be of any service to my country or him, I begged he would command me to do anything he thought proper. He requested me to shew him some place where he might order his troops, to be secure against the attacks of the enemy. I pointed out a place in a wood southerly of the old house at which the enemy formed after they retreated from the field of action. General Lee said, "there was not time to take them there; that the enemy were pressing too close upon us," and desired me to direct him to some other place; I then shewed him Comb's hill, where, I told him, he would have a morass on his front and left, and a wood on his rear; that the enemy could not attack him there without apparent disadvantage to themselves, unless it was on his right, and to get there they must go three or four miles round; but if he wanted

to carry his field pieces and ammunition waggons with him, it would be necessary to lay a causeway over that morass, for it was very miry, and no carriages could go over it except that was first done, and that I thought it might be effected in a few minutes with rails, as there were fences all around. General Lee made answer, that if it was not already done, we had no time to do it in; that there was no time to be lost, or words to that effect; and he then begged me to conduct his troops under cover of some wood, for he could not make them stand in a plain or open field so well as in the woods; but, at the same time, said that he thought our men were equally brave with any men in the world. I then pointed out to him a wood and eminence adjoining, which General Lee approved of, and begged me to lead his troops on and shew them the place, which I did. The eminence was the very piece of ground His Excellency General Washington afterwards formed his army on. But previous to General Lee's sending any troops to the last mentioned place, he threw a number of troops into a skirt of woods on the right of the enemy, and on the left, where Colonels Stewart and Ramsey first formed their regiments, and where, as I believe, the first heavy firing of musketry began.

PERSONALLY appeared before me, JOHN ORD, Esq., one of the Justices, &c., Peter Wikoff, and upon his solemn Oath on the holy Evangelists of Almighty God, did depose and say, That the above is the purport of what passed between General Lee and this Deponent, to the best of this Deponent's knowledge. And further said not.

PETER WIKOFF.

Sworn before me the first day
of August, at Philadelphia,

JOHN ORD.

MAJOR-GENERAL LEE proceeds to make his Defence, which is as follows :

BEFORE I enter into a narration of what was perform'd or was not perform'd on the 28th of June, by the body of troops under my command, it is necessary to make as clear as possible to the Court, the nature and spirit of the orders I received from His Excellency, at least to explain my idea of them ; for it must appear, from the evidence of the different commentators on these orders, that they were by no means precise and positive, but in a great measure discretionary, at least I conceived them as such, and am inclin'd to think that the Court will consider them in the same light. The several Councils of War, held both in Pennsylvania and on this side of the Delaware, on the subject of the operations to be pursued in the Jerseys, reprobate the idea of risking a general engagement, as a measure highly absurd in the present, or rather then, circumstances of America, (for since the time these councils were held, circumstances are much altered,) as the advantages to be gained by victory were not to be put in competition with the evils which might result from defeat ; and, if I recollect right, the most sanguine of these Councils only recommended to seek and seize some favourable opportunity of striking some important but partial blow. For instance, the cutting off their rear or covering party, or perhaps the demolition or surprize of their baggage ; in short, some blow which might reflect an additional lustre to the arms of America without endangering her safety ; for it is difficult to affix a precise idea to a partial but important blow, it is more easy to conceive than express the meaning ; but be this as it will, it certainly implies a very great degree of discretionary power to the executive officer.

But, whatever may have been the good sense of these Councils, I shall readily allow that they ought to have little or no weight with an officer, if subsequent orders from the Commander-in-Chief, or even a hint communi-

cated, had been of such a nature, as to give reason to think that the idea had been discarded, and that the General had adopted a plan repugnant to these Councils; but I had not the least reason to think that he had discarded this idea. No letter I received, no conversation I ever held with him, indicated an intention or wish to court a general engagement; if he had, I protest solemnly, that, whatever I might have thought of the wisdom of the plan, I should have turned my thoughts solely to the execution. It has been thrown out, and almost positively asserted, God knows for what purposes, by two gentlemen, that I had received the General's orders positively to attack the enemy at all events, in whatever situation and in whatever force I found them; of course, the first halt I made, in consequence of the advice I received from General Dickinson of the whole force of the enemy being ranged in battalia, was censurable. I must do His Excellency the justice to declare, that he never gave, directly or indirectly, such orders—they would have been unworthy of a man many thousand degrees his inferior in understanding.

Upon the whole, I am warranted to insist, that no letter, no conversation, gave me reason to think, that His Excellency had taken up a plan repugnant to the spirit of the Councils of War referred to; and, if it was necessary or proper on this occasion, I think I could demonstrate from His Excellency's subsequent measures and conduct, and from the subsequent conversation he held with some very confidential persons, that my idea was a just one.—Under the influence of this idea, at least, I was determined to act, and the only posterious order I received in the course of the day of action, that through the channel of Colonel Meade, which was verbal, not written, confirmed rather than altered my sentiments on the subject; it was, if I recollect myself right, couched in these precise words—"The General expects you will find means of engaging the enemy, if no powerful consideration prevent you." These terms certainly

imply'd a degree of discretionary power. My answer was that of a willing and submissive officer—viz.: "That I would endeavour to answer his intentions;" and every measure I pursued demonstrates, from the various evidences delivered to the Court, that I absolutely and literally did obey his order, and to the utmost of my power endeavoured to fulfil his expectations.

It is unnecessary to trouble the Court with a repetition of the detail of what happened previous to the moment I sat out; of Colonel Hamilton's letter, and of those I wrote to Colonels Grayson, Morgan, and General Dickinson, with their contents; of Grayson's halt and the reason of it: These circumstances have been sufficiently and clearly explained already; but there is one of those previous points I beg leave for a moment to dwell upon; I mean the conversation I held with the Major-General and Brigadiers (who were to act under my command) on the evening of the 27th: An explanation on this head will save much trouble to the Court and myself, and prevent my breaking in on the thread of my narrative, which I wish to render as simple, concise and intelligible as possible.

General Washington recommended to me a conference with those gentlemen, relative to any plan of operations I might choose to adopt, but as he only recommended the conference, I of course thought myself at full liberty on this head: I told the gentlemen, if I recollect right, that as the number and situation of the enemy were mere conjecture, and the country was far from being reconnoitered, if a precise plan was formed, the least trifling, unexpected circumstance, must embarrass, distract, and lead us astray. I do not pretend to vouch that such was my explicit language, but I am sure they were and are my sentiments, and in consequence I confin'd myself to entreating them to be alert and avoid all disputes with respect to rank, as it possibly might happen in the occurrences of the day, that the eldest officer might be ordered to the left and the youngest to the right. And from

the little practice I have had in war, and all the reading I am possessed of on the subject of war, I think myself justifiable in this opinion. Perhaps I am wrong, but as it is merely matter of opinion, I hope the common allowances will be made for error—To compare things on a small scale with those on a great—that a general who commands a covering army, as Marshal Saxe did at Fontenoy, to receive an enemy who must attack him inevitably, or lose a most important place, should form a precise plan, is, I think, not only possible but appears easy: That to form a precise and certain plan for attacking the quarters of a besieging army, as was done at Turin, is proper and possible, no man will dispute—and even to arrange a system for attacking an enemy on their march, as General Laudon did near Olmutz, if the country is perfectly reconnoitered, and the force, disposition, and situation of the adverse army accurately and determinately known, is likewise proved possible and wise; but if the country is un-reconnoitered, and the force, disposition, and situation of the enemy doubtful, I must profess that I cannot persuade myself that a precise plan can be attended with any good consequences, but that it must distract, lead astray, and in effect be ruinous. All that an officer can do in these circumstances, (but what I offer is only a matter of opinion,) is to recommend it to those who serve under him, to be alert, vigilant and attentive; that if they march in many columns the distances may be well observed, and to take care that the sections of those columns, or even of one column (if the country will not admit of more) be kept distinct, so as to throw themselves with the greatest facility into whatever form the circumstances of affairs may require. These were and are my sentiments on this subject, and I think it will not appear that I had any reason to give them up on this particular occasion. That the country was un-reconnoitered, and the force of the enemy unascertained, I think must sufficiently appear to the Court, from every evidence produced;

with respect to the ignorance of the former, we need only instance the utter silence of those who offered themselves as guides on the subject of the great ravine, which traversed the plain quite from the Court-house to the wood on our left, an ignorance of which might have proved fatal to an army in similar circumstances.

I sincerely beg pardon of the Court for this essay, which, on the first aspect, may appear somewhat prolix and impertinent; but, when they consider how frequently it has been asked, (and how great stress seems to be laid upon it,) whether I had planned any mode or arranged any system for attack, I flatter myself they will be rather pleased than displeased, that I have taken this general method of answering the question.

On the 28th of June I marched with the body of men under my command, amounting, as I then imagin'd, to 4100, although I have since discover'd, that they were considerably less. I should not, perhaps, mention this circumstance, if so much industrious pains had not been taken to prove them five thousand compleat. The various delays, halts and embarrassments, occasioned by false alarms, and contradictory intelligence in our march from English-Town to the eminence where we found General Dickinson with a small party of militia posted, have been already so minutely related to the Court, that I shall pass them over in silence; let it suffice that I was tiezed, mortified and chagrined, particularly as it occasioned distress to Colonel Durgee's corps, by little marches and counter-marches from one hill to another over the ravine, in front of which I found General Dickinson, and, as it gave an awkward air to our first manœuvres; this gentleman, to whom I had been referred for the most substantial intelligence, I accosted with some warmth, how, wherefore, and by what means could arise such distracted information? He replied with equal, if not greater warmth, that his advices were constant, consistent and simple, and that he was assured and would adhere to his assertion, that the

enemy, no not a man of them, had stirred from their post • at or near the Court-house, and that I should find it to • be a fact if I moved from the spot we then stood on: • On my seeming to doubt, and demanding from what authority he drew his information, he replied, as I think, with some heat, among others, from Baron Stuben's—Baron Stuben's himself told me so—and, to the best of my remembrance, he added these words—"General Lee, you may believe or not, but if you march your party beyond the ravine now in your rear, which had only one passage over it, you are in a perilous situation." Although I had great and just confidence in General Dickinson, the number of those who asserted the contrary—viz.: That the main body of the enemy had certainly marched, and that those who remained at or near the Court-house, were only a common covering party, had so much weight with me, that I determined to march on and ascertain with my own eyes, the number, order and disposition of the enemy, and conduct myself accordingly. The Marquis of Fayette, being therefore come up, and having reconnoitered the wood, into which it had been reported a battalion or two of the enemy had thrown themselves, and satisfied myself of this report's being groundless, we proceeded on in the manner already related, to the Court-house. Through this intermediate space, nothing worthy of notice has happened, unless I may observe, that what Colonel Butler supposes, in an article of his evidence, is a mistake: He attributes my reducing the troops into a column from the centre, to my disapproving their marching in front, but my real and only reason was, that I was apprized of a defile in our front, which rendered this alteration necessary.

On our arrival at the point of woods opposite to the Court-house, I thought it expedient, from the appearance of the wood, and the circumstance of a cross road, to form in what is called a potence, for the security of the front and flank of our column, and then, with General Wayne and a few others, rode out of the wood to

reconnoitre, enjoining the officers who remained, to keep themselves, their soldiers, and particularly the field pieces, as much concealed as possible. The corps that presented themselves to our view, might have consisted of five or six hundred cavalry and light infantry, (mixed) in that sort of order in which these species of troops on similar occasions are generally disposed, that is, in open and sparse files; but no satisfactory conclusions could be drawn from the appearance of this corps with respect to the forces that might or might not be in their rear; however, I had little doubt but that their principle was a retreat, and soon afterwards, from the intelligence that Captain Mercer obtained, I was induced to think that 1500 or 2000 constituted the force of this covering party, and I entertained hopes that there might probably be an interval between them and their main body, sufficient to afford me an opportunity of cutting them off; and even that, should it happen, we were deceived in their numbers and supposed interval, I flattered myself, that the nature of the country, (as far as I had a right to judge from its aspect,) would secure us from any material disgrace. In these hopes, and on this principle, I immediately plann'd and ordered the following attacks: General Wayne, with 700 men and two pieces of artillery, to attack in rear; Colonel Durgee, with Varnum's brigade, to make the left flank attack, and Colonel Morgan would, I concluded, conformable to the orders he had received, attack their right flank. The orders I sent to General Wayne were these: that he should, in his attack, rather affect shyness than confidence, lest the appearance of vigour should give the enemy reason to think we were in force, and consequently, occasion them either to retreat with so much celerity to the main body, or to draw back from that main body so powerful a reinforcement as to defeat our purposes—in short, all I expected from him for the present was, that he should occasion them to halt: I then put myself at the head of the remaining column and marched through

the wood by that road, which, in the course of the evidence, is mentioned to have been discovered by Colonel Rhea or General Foreman, and to have been reconnoitered by Captain Edwards. It has been asked whether I gave any particular instructions to General Scott how to conduct himself on this occasion : I could not, I did not see him, nor did I conceive there was a necessity for it, for as his detachment was part of the corps I proposed to command in person, and as it was an affair the success of which, perhaps, depended on a moment, I contented myself with the general instructions conveyed by Colonel Brooks, the Adjutant-General, to the principal officers and commanders of corps, with respect to the order they were to march in columns, and with the particular orders given by Captain Edwards to Colonel Durgee.

As to forming a precise plan in an un-reconnoitered country, I have already (whether substantial or futile) given my objections ; and as I had great confidence in the attention and coolness of the officers and men, I persuaded myself that they would with facility throw themselves into any form that contingencies might require.

We marched with great rapidity 'till we emerg'd from the wood into the plain ; the wood extended itself close on our left to a point about 300 yards distant : about this time a party of our light-horse were driven in by those of the enemy towards the spot where Colonel Butler was with his detachment ; the Colonel repulsed them by his fire ; a croud of visitants and spectators, acting in no capacity, on this occasion galloped in so furiously upon our troops, that had they not been firm and cool, might have occasioned great trepidation, alarm and confusion : these visitants are a species of gentry that I hope every General for the future, who has any regard for his own interest or that of the public, will devise some means to keep the field clear of. Arriving in the plain, in view of the enemy, the following was the disposition of our troops : The whole col-

umn (Maxwell's brigade excepted) had crossed the great ravine, where I halted General Wayne's original detachment in order to form a right, and then myself filed off Scott's detachment to the point of wood I mentioned, to form a left. I then advanced into the plain in hopes of having a full view of the ground : The plain was extensive, and to me appeared unembarrassed ; their force was considerably larger than I had been taught to expect ; a column of artillery, with a strong covering party, both horse and foot, presented themselves in the centre of the plain, another much larger appear'd directing their course towards the Court-house on our right. As this column, if it had turned our right, must have put us into the most dangerous situation, I immediately ordered three regiments, under the Marquis of Fayette, (to incline to the right and meet them ;) and detached Captain Mercer to General Scott, then in the wood on the left, with orders to remain where he was, as a security to our left flank ; this could not possibly have been five minutes from the time I left his detachment. I then myself inclined farther to the right, in order to take my measures accordingly : A few minutes afterwards, I was surprized upon observing that Colonel Oswald, with the pieces under his command, were retiring towards the ravine ; I rode up to him, and in some heat demanded the reason why he retreated without my orders ; his answer was, as has been already related to the Court, that he had expended all his round shot, and that his ammunition waggon was on the other side of the ravine ; the reason was, without doubt, fully satisfactory, and I may venture to pronounce, from what I observed, and from what every other person who had an opportunity of observing his conduct through the whole process of that day, that it must be some very substantial reason indeed that will ever induce that officer to retreat.

As so much depended on the security of the left flank, and the keeping possession of the wood where I left the main body, and apprehensive that some mistake might

possibly arise, I dispatched Captain Edwards, my other Aid-de-Camp, to General Scott, with a repetition of the orders I had before sent by Captain Mercer.

Having, as I thought, conceived a proper idea of the intentions of the enemy, I was preparing to return to the left, in order to take the command myself, when my two Aid-de-Camps arrived and informed me that General Scott had abandoned the wood on the left, but that the whole of the troops were retiring from that quarter, and at the same time Captain Mercer observ'd that the enemy were directing their main body on that flank. This intelligence astonish'd as well as disconcerted me, and I could not refrain from expressing much indignation upon the occasion. In this state of suspense, I observed the Marquis had fallen back, and I confess, circumstanced as we were, I was not sorry for it, although to this day I am ignorant by what means it was brought about.

I now had thoughts of taking a position on the hither western margin of the ravine, in the idea that the village of Freehold wou'd cover our right flank; from it's aspect, I had conceiv'd the houses to be built of stone, and that the trees, in which it was embosom'd, were a thick, strong wood. I desired the Marquis to examine if it answered its appearance, and a little after rode up myself to be ascertained of the fact; I found it to be reverse of what I had imagined; the houses were of wood, the village open, and the supposed wood a mere common orchard of sparse apple trees. This disappointment—a reflection that the western side of the ravine was greatly commanded by the eastern side—my uncertainty to what point General Scott and the troops on the left had retired—so that, for aught I knew, our left flank might be quite in air. The certain intelligence which by this time I received of a new column of the enemy advancing towards us on the Middletown road (which I, in my own mind, had no doubt was their main body); these concurrent considerations, I say, determined me to abandon all thought of this

position. In every view, on every principle, the measure would not only have been censurable, but criminal: I must observe, that about this time there was a cry on all sides, from a variety of people, that what we could see of the enemy pressing down upon us, was not the whole, but that another column had actually gained our flank or rather our rear on our right. To this I cannot say I paid much attention, although it was pretty confidently asserted, particularly by some French Gentlemen. I addressed myself to Monsieur de Portail, of whose abilities I had an high opinion, and as I did not chuse to quit the troops myself, entreated him to ride on an eminence in our rear, it struck me a good position; he complied, and on his return made a favourable report of it. To this point I was determined to direct our course, where, I flattered myself, I should be joined by the troops on the left, it would at least be gaining time for that purpose. I ordered the battalions and guns to file off in the only manner in which, in my opinion, such manœuvres are practicable. The guns and battalions supported, and were supported mutually; had we attempted it in a display of line, great confusion, impediment and loss, must, I think, have ensued; and I can venture to assert, that no man in this whole army, whatever services he may have seen, and in whatever parts of the world he may have serv'd, can instance a retrograde manœuvre in the face and under the fire of an enemy, performed with more order and precision.

When we reached the point Monsieur Portail had reconnoitered and approved of, if I recollect right, he himself observed the main position would not be tenable, unless a nole in our front and on our left was occupied by some pieces of artillery, as it would eminently command our main position. This nole was separated from us by a ravine or ugly hollow way; I believe, but am far from being positive, that Monsieur Portail made several objections to this position, which at first sight appeared to him so favourable; perhaps I might

not well have comprehended him, for I do not harbour the least suspicion of his want of candour; on the contrary, I have a great opinion of his integrity as well as of his abilities; and, as I have always declared publicly my sentiments with regard to this gentleman, I may, without suspicion of compliment on this occasion, say that I think him a real acquisition to the continent. This is the ground, or near it, I think, which seems to have struck Colonel Grayson as an excellent position, but as Colonel Grayson was only an officer of the line, he probably had not opportunity of considering all its vices. It was, according to my conception (at least from the *primâ facie*, and a General in an un-reconnoitered country, can alone form his judgment from the *primâ facie*) I say, it was, according to my conception, an execrable position. In the first place, it is, I believe, in war as well as in all other things, a general maxim, that the whole should not depend on a part, or the major on the minor. Now, this mole in our front, and consequently nearest the enemy, separated by a ravine or ugly hollow way from the ground where our principal corps was to be formed, its crown or occupiable part so contracted, as to have admitted a very trifling number of troops to support the battery placed upon it, so eminently commanded the main position, that it is manifest the instant this single point had been carried, the whole would have been under the disgraceful necessity of retiring with precipitation and confusion. The wood upon the right (if I may so express myself) was no wood at all, but rather a bushery: There was, indeed, a real wood, but at so great a distance as not to be attainable by infantry in the fatigued state our troops were then in: In fact, this flank was by no means secure against the attempts of the British cavalry, had they acted in squadron, which I had every moment reason to expect. But to wave these considerations, there remains a capital objection to this position, which is alone sufficient to execrate it in the eye of every judicious soldier, I mean the ravine or morass in our.

rear, over which there was alone one passage, and that a very narrow one. General Dickinson (who seems to have informed himself of everything; it was his business to have informed himself of more fully than any other person to whom I was referred) had impressed this important point on my mind in too emphatic terms to be easily forgotten. Upon the whole, I think, I may safely refer it to the conscience and judgment of every Member of this Court whether, from these conspiring circumstances, I should have acted wisely or not in keeping this position.

At this juncture, Mr. Wikoff fell in with me, who said he was perfectly acquainted with the country, and offered any services in his power. I thought myself extremely fortunate in the rencontre, and begged that he would inform me where a position was to be found that would render our flanks secure from the British cavalry, and at the same time shelter our men from the intolerable heat of the weather; his answer was, that he knew of no wood that would shelter our men from the heat of the weather, and at the same time could be esteem'd a tolerable position, but that there was an eminence in our rear, which, in his judgment, would answer the latter purpose excellently well; he pointed to it, and it proved to be the very same on which General Washington and the army afterwards took post.

As the regiments have no uniforms or distinguishing colours, and as I was unhappily almost an utter stranger to the names and faces of the Commanding Officers of the respective corps, I did the only thing I possibly could do in these circumstances; I entreated him to ride to the rear, make use of my name, and take the first regiment he should find opportunely situated, and arrange them on the hill proposed as a point of halt for the whole; I would willingly have sent one of my Aids-de-Camp with him, but both their horses were so worn down that they could scarcely move, and the other two gentlemen, who had personally attended through the

whole course of the day, Colonel Malmédie and Colonel Brooks, were absolutely dismounted, and themselves, from the loss of their horses, almost dead with fatigue. Captain Mercer, however, was soon after detached on this errand, but was prevented from putting into execution by the arrival of General Washington.

I cannot pretend to say, whether the authority I gave to Mr. Wikoff had all the weight I wish'd with the officer to whom he addressed himself; but ill attended as I was, it was the only method I could adopt in my circumstances; and I had little reason to doubt, from the good disposition I observed in the men and officers to comply with every order, which had the appearance of proceeding from any authority, that it would have the desired effect, and if it had not, I cannot think myself responsible for it, but that it must be attributed to the defective constitution of our army, the most defective part of which is, in my opinion, the want of proper colours to the battalions, and a proper application of these colours, which are the grand pivot and soul of all manœuvres, the want of proper military instruments to sound the signals of retreat, halt, march or charge; for I am myself persuaded, that had not our system been so defective in these points, and the number of my Aid-de-Camps been competent, I could (such was the excellent temper of the troops) have conducted the whole of the manœuvres of this day with as much ease as ever they were performed in a common field of exercise.

But be this as it may, I confess I had not the least apprehension that Mr. Wikoff wou'd not have influence sufficient to lead a battalion to the point proposed for a general halt, and as little that the officer of this battalion, whichever it might be, wou'd not take the necessary care to prevent any troops from filing off into the rear without further orders. Quite at ease, therefore, on this subject, I apply'd my whole thoughts and attention to the conducting the troops from this position, which I considered as an execrable one to the other in the rear, that I was taught to think a very good .

one; I had previously ordered General Maxwell into the wood on our left and in our rear, which would secure our retreat over the morass in our rear, which has been so often mentioned to have had only one passage over it, and I took measures to supply his place.

From this point of action to the eminence where we found General Washington, I can safely appeal to all those who were near enough to observe me, whether I did not shew all the attention possible to the filing off the troops, the posting and properly supporting of the guns? Whether I was not in front, in flank, and wherever my presence could possibly be necessary? And whether I did not seem more solicitous for the safety and honor of the troops than for my own person?

The instant General Washington came up and had issued a single order, I consider'd myself in fact reduc'd to a private capacity, and if any disorder arose from this moment, it may, I think, be attributed rather to a clashing of orders, and the not perfectly understanding each other, than to any want of judgment in me. When he permitted me to reassume the command on the hill we were then on, he gave me directions to defend it, in order to give him time to make a disposition of his army. The measures I then took were such as the exigence of affairs required. The troops that remain'd on this hill were those that I intended should supply the place of General Maxwell's brigade, ordered before to cover the passage of our troops over this bridge. They were Stewart's and Livingston's battalions, and Varnum's brigade. I understood General Wayne took the command in the point of wood on our left, where Colonel Stewart had been halted: I accordingly address'd my orders by Captain Mercer to him; they were, that he should defend that post to the last. On their right on the opposite side of the plain, I had ordered Colonel Oswald, with four pieces of artillery; he might have been in some measure exposed had he continued long in that situation, as Colonel Livingston, who had long before been attach'd to the artillery, had drawn

up, by the mistake explain'd in Colonel Oswald's evidence, some distance in the rear. But the moment I found his situation dangerous, I order'd him into the rear of Livingston's again; which regiment, together with Var-num's brigade, some time before drawn up by Colonel Brooks, my Adjutant General, lined the fence that stretch'd across the open field. I here established a battery and took post myself. I sent Captain Mercer, my Aid-de-Camp, to Colonel Ogden, who (as I was informed by Major Ogden) had drawn up in the wood nearest the bridge in our rear, and ordered him to defend that post, to cover the retreat of the whole over the bridge.

I have mentioned the disposition of these troops particularly, as it has been attempted to be proved by some negative evidences, that the troops on this hill had not my orders. There was not a man of them but what had my particular orders, and the greater part of them before I had the honor of seeing those gentlemen, as has been fully proved by the gentlemen on the affirmative side, who have given in their testimony relative to that particular transaction. The whole squadron of these negative gentlemen, who have pranc'd it about over reams of paper, for purposes too obvious, and who have taken such wonderful pains to prove that these battalions who sustain'd the charge of the enemy, at this particular point of action, were posted independent of my order, and that the guns were unsupported and uncovered. This whole squadron of negatives, I say, would have been so compleatly overturn'd by even a single individual out of the respectable list of affirmants who have appear'd in Court to prove the contrary, that I need not add a word on the subject.

These battalions having sustain'd with gallantry, and return'd with vigor, a very considerable fire, were at length successively forced over the bridge; the rear I brought up myself. I then address'd His Excellency in these words: "Sir, here are my troops; how is it your pleasure that I should dispose of them? Shall I form

them in your front, alline them with your main body, or draw them up in the rear?" He answered that I should arrange them in the rear of English Town.

So far at this time from conceiving ourselves as beaten or disgrac'd, that I really thought, taking into consideration all circumstances, the various contradictory and false intelligence, disobedience or mistakes in some officers, precipitancy in others, ignorance of the ground, want of cavalry,—that it was the flower of the British army we had to deal with—Considering all these circumstances, I repeat, so far was I from conceiving ourselves as beaten or disgrac'd, that I really thought the troops entitled to the highest honor; and that I myself, instead of the thundering charges brought against me, had merited some degree of applause from the General and from the Public. And I solemnly protest, that at this instant when I address'd the General, I was totally ignorant that a man of my corps had filed off to his rear, without his particular orders; I was ignorant of it that night, I was ignorant of it next day; nay, I protest to God I remain'd in this ignorance till long after this present Court-Martial was assembled. And I beg leave once more to observe, that I cannot think myself responsible for it, as I had taken every means in my power to prevent it; but that it must be attributed to the defects in the constitution of the army, which only perhaps wants a more perfect system and ceconomy to render it the best in the world. When I arrived at English Town Creek, I found the Baron Stubens employed in the business which had been enjoined me: I was extremely glad of it, as I thought myself now at liberty to return to the field of action, which (as soon as my Aid-de-Camps had changed their horses, both of which had been wounded), I did, and offered to His Excellency my services in any duties where they could be required.

The conversation I held with His Excellency has been introduc'd into Court by such a variety of evidences, and seems to have been dwell'd upon with so much stress

(although from my soul I cannot see for what purposes), that I shall endeavour to recollect the terms literally; but to give precisely the idea I at that time conceived, or even at this instant conceive, of the greater part of the import of it, is really out of my power. I trespass on the time and patience of the Court in attempting it. When I arrived first in his presence, conscious of having done nothing that could draw on the least censure, but rather flattering myself with his congratulation and applause, I confess I was disconcerted, astonished and confounded by the words and manner in which His Excellency accosted me; it was so novel and unexpected from a man, whose discretion, humanity and decorum I had from the first of our acquaintance stood in admiration of, that I was for some time, incapable of making any coherent answer to questions, so abrupt and in a great measure to me unintelligible. The terms, I think, were these—"I desire to know, sir, what is the reason—whence arises this disorder and confusion?" (the manner in which he expressed them was much stronger and more severe than the expressions themselves.) When I had recover'd myself sufficiently, I answered, That I saw or knew of no confusion but what naturally arose from disobedience of orders—contradictory intelligence—and the impertinence and presumption of individuals, who were vested with no authority, in intruding themselves in matters above them and out of their sphere: That the retreat, in the first instance, was contrary to my intentions, contrary to my orders, and contrary to my wishes. I even particularized; I said General Scott, at the head of the troops on the left, had gone off without authority, and that the falling back of the troops on the right could be ascrib'd to no reason that I could divine, unless the retiring of some guns over the ravine involuntarily but necessarily, from the want of ammunition, had been consider'd as a signal for a general retreat. I added, I think, that had I remain'd longer in the situation I had been in, the risque so greatly overbalanced any ad-

vantages that could possibly have been gain'd that I thought it my duty to act as I had done. To which he replied—"All this may be very true, Sir, but you ought not to have undertaken it unless you intended to go through with it." Now, what His Excellency meant by saying that I should not have undertaken what I had no intention of going through with, I confess I did not then, nor do I at this day, understand. I had set out in the morning, as has been already observ'd, with the idea that it was His Excellency's intention that I should strike some important but partial blow, and I had endeavoured, in the manner related, to execute these intentions. This is what I conceived I had undertaken, and what I endeavoured to go through with. As to my own meaning in saying the risque overbalanc'd the advantages to be gained, &c., I know what it was, and think I can explain it: It was, that after I had been disappointed in my first plan, and after the retreat in the first instance had taken place, by the means which the Court is already acquainted with, there was no one position in the whole theatre, which, to me, appeared good enough to promise us any advantages to counterbalance the serious loss we should evidently have hazarded by remaining in it. There were some expressions (I cannot precisely recollect them) let fall by the General, which, at the instant, convey'd to me an idea that he had adopted new sentiments, and that it was his wish to bring on a general engagement. This idea drew from me some sentences, such as related in Colonel Tilghman's evidence. It remain'd with me for some moments, but was entirely banish'd by what subsequently passed; for when (on the supposition that not a man had filed off in his rear without his immediate orders,) I requested to know His Excellency's pleasure, how I should dispose of the troops; whether I should form them in front, al-line with the main body, or draw them up in his rear? and instead of approving any of these propositions, he ordered me to arrange them in the rear of English-Town Creek, at three miles distance, I was more con-

firm'd than ever in the original idea I had set out with, viz. : that it never was his intention to court or hazard a general engagement. I must beg leave to observe once more, that, in my opinion, every circumstance relative to this conversation is rather a trespass on the time and patience of the Court, as posterior conversation can never overturn facts established by strong and numerous evidences ; but as it has been introduced, and so much stress has been apparently laid upon it, I could not be silent on the subject.

I shall now beg leave to make a few observations on part of some of the different evidences that have been produced in Court.

The only comment I shall make on the evidence of the Marquis of Fayette will be on that part where he mentions, 'That having receiv'd orders to attack the enemy's left, counter orders were given before he had proceeded one-quarter of the way necessary. The fact is, The only order I sent the Marquis from the time I gave him orders for attack to the time I saw him myself in rear of the ravine, was that by Mr. Steth, the light-horse officer, mentioned in that gentleman's evidence as the first sent by him, which was after I had received the account of General Scott's retreat.

The Marquis does not, throughout his whole evidence, hint that he himself received my orders to retreat ; what he says positively contradicts such a surmise. His words are to this effect : That he understood such orders had come officially from General Lee, and he thought such orders would come of course, for looking behind him he found himself at the head of Colonel Livingston's regiment alone. Upon the whole, I cannot but conjecture that these orders were deliver'd to the wrong person, which will appear very probable in the manner this body of troops march'd (the regiments at some distance from each other), which must indeed be one of the principal reasons for my sending that order by Mr. Steth, as they were then so near the enemy as to render extremely dangerous their marching in so broken a line.

It was a step that the Marquis would naturally take when he found himself in this situation, to order that battalion back; and the retreat being thus commenced, I am not surprized at its being continued, as the commanding officer was ignorant of my intentions.

But that a retreat was in direct opposition to my then wish, I think is evidently evinced by my ordering back some retiring artillery long after my sending this order, as Colonel Oswald and Captain Steth have both prov'd.

The reason why I did not appear dissatisfied with the Marquis, I have taken occasion to explain in my narrative, and need only here add, that it was a fortunate mistake. In truth, when I call to mind the several circumstances of this day, the only omission with which I can justly upbraid myself is, that I did not, on first receiving intelligence of General Scott's having abandoned the wood on our left, immediately order a retreat on the right.

Here I beg leave to observe, that what comments I shall make on the evidence produc'd in prosecution, will be done with the utmost candor and dispassion, and in such a manner, I hope, as can only appear an appeal to the good sense and reason of the Court. General Wayne says that he made frequent requests to me by his Aid-de-Camps in the course of the day, and that he made them in vain; one while to reinforce him, for that the enemy were precipitately retiring, and that then was the time to press them; another instant, when they made an halt, he was as fully convinced that it was their intention to attack, and of course a reinforcement was equally necessary; or rather in his language he requested that I should push up the whole troops. I could not help being surpriz'd, and expressing my surprize, that every appearance of retreat in the enemy, and every halt they made, should pass upon him, the one as the effect of fright and necessity, and the other as a serious design; (I laughed at his notions,) and said that he must expect twenty such feints in the course of the day, for that it was the common practice

on similar occasions. But, in the name of God, had I been weak enough to humour the General, what could we possibly have effected? The utmost we could have done would have been just what was contrary to our interest. We would have drove the covering party back towards the main body, or we would have drawn back the main body to the support of the covering party; the two very things we ought most to deprecate. In every point of view, on every principle, the attack committed to his conduct ought to have worn rather the appearance of diffidence than confidence. He was sufficiently strong to answer every end purposed, and I endeavoured, by my Aid-de-Camp, to make him sensible of it. To spend the principal part of your force by an immediate attack on the rear of an army in retreats, when a fair prospect is open of making an impression on both flanks, is so absurd a scheme, that it would be an affront to the Court to attempt demonstrating it. Colonel Durgee had been detach'd; I was immediately to fall on their left flank; Colonel Morgan had received his previous orders to fall on their right flank as his discretion should direct; for to this gentleman, when the general principle had been explain'd, an almost absolute discretionary power was necessary. It was uncertain, and must be uncertain, on what particular point of the enemy's flank he could be at any moment of the day; to have sent any particular orders, therefore, to him how precisely to conduct himself, would have been idle, impertinent, and vain. In short, from the circumstances of our situation, Colonel Morgan must be left to his own discretion. But to return from this digression. I do not mean to depreciate the value of General Wayne, (I believe him to be a most thoroughly brave man,) but I cannot help observing, that from the moment he took command of the advanced corps he seem'd to think the whole executive duties of the day transferr'd to him, and that he had nothing to do but to make demands for any number of troops he thought proper to dispose of,

just as his notions for the moment should dictate. In another part of his evidence he says he sent Major Fishbourne to request that I would at least send back part of the troops to protect General Scott from the imminent danger he was in. I remember very well receiving a message by Major Lenox, who was distinct and clear, (though he unfortunately did not remain long enough to give me an opportunity of explaining my intentions,) but I am almost positive that I never saw Major Fishbourne from the beginning of the affair to the ending, (once in the wood excepted,) who was at that time so very far from being distinct and clear, that I paid very little attention to what he said. I may possibly be mistaken, but I am sure if he had delivered me such a message, I should have been quite at my ease about General Scott, who had with him by far the greatest part of the detachment under my command, and whom I had left in the least dangerous point of the whole field of action. In fact, the right had more occasion for support from the left by far than the left from the few troops on the right.

General Wayne, in another place, is pleas'd to give his opinion to the Court that the western margin of the ravine would have been an excellent position; but as this is merely a matter of opinion, and I have already given my reasons for thinking it an execrable one, I shall not trouble the Court with a word on the subject.

He expresses, it seems, a sovereign contempt for cavalry, and says, that if they had attempted to have turn'd our flanks, he would have march'd out and have drove them. The idea is magnanimous, but I much doubt whether he would have found it so easy in practice as in assertion. Whether a corps of infantry of equal number with a corps of cavalry, front to front, is superior or inferior, has been often a matter of dispute. But, that a corps of cavalry turning the flank of a corps of infantry, consisting of a single line only, without even a body of reserve, and of course without support, is a cir-

cumstance to be despis'd, is a discovery now for the first time made.

The free comments I have taken the liberty of making on General Wayne's evidence, may possibly be attributed to resentment, as it is publicly said that he has been one of the principal actors in my prosecution; I beg leave to set the Court right; I do not harbour the least resentment against him. On the contrary, from all I have been able to collect of his character, I am persuaded he acted from an honest principle and a conviction that I had not done my duty; and I have no doubt that had he been well inform'd of the whole circumstances of the day, I should, instead of a prosecutor, have found in him a friend and advocate.

It has been asked, when I had been informed that General Scott had quitted the post I imagined he was in, Wherefore I did not send to inquire where he was? My real reason was, that as I was uncertain to what point he was retir'd, I did not choose to dispatch one of my Aid-de-Camps on an errand which might prove as fruitless as the former: When both of them had been sent with orders to him (on that occasion I felt the inconvenience of being unattended), I had immediate occasion for them in a variety of important business: Indeed, had I been furnished with half a dozen more I should have had full employment for them all. It certainly was his duty, when he quitted the ground he had been marched up to, from his own authority, necessarily or unnecessarily, to inform me of it—assign the reasons, and request to know what was to be done: He probably might have had reasons, or what to him might appear reasons, for his conduct; but undoubtedly I should have been acquainted with it. I here must observe, that if I had been guilty of an inadvertency in this article (which I am persuaded in my own mind I was not), it would be the first instance of a General's being called to account for a single omission; twenty are committed by every General in the hurry of action, which (if the general tenor of his conduct is that of a

calm, attentive and active officer) pass uncensur'd and unobserv'd. I appeal for the truth of this to all those who have been in actions and near the persons of Generals, even of the best; and to speak with becoming confidence, the tenor of my conduct, was that at least of a calm, attentive, and active officer, and I may, without presumption, insist, that in this article the omission was General Scott's, not mine.

Now I am upon the subject of the several inadvertencies and omissions imputed to me, I must advert to one that seems to have been considered not as the least, viz., My having neglected to send intelligence to His Excellency of my situation; but no point, I think, can be more easily cleared up than this. At the time I had formed a plan and entertained hopes of executing it, the means were fortunately found of communicating my design and hopes of success, as it proved by the evidence of Mr. M'Henry and Major Gilman. But when, from the circumstances already related, this plan was defeated, and I had no longer hopes of success, my situation took a new face. My business was then, of course, to look out for a position where the troops could receive the enemy and baffle their attack, for at this time it was manifest they intended to attack us. The country was un-reconnoitered, but I from moment to moment flattered myself that I should find out a suitable position for this purpose. My intention was certainly never to make a general retreat. One while, from its first appearance, I thought the western side of the ravine, with the Court-house on our right flank, would have answered, but upon examination and reflection, this appeared, from the reasons already explain'd, an execrable one. The next that occurred was the eminence mentioned to be reconnoitered by Monsieur Portail, and abandoned for reasons full as strong. And here, if my memory does not fail me, I sent His Excellency information of my design by a young gentleman introduc'd to me for that purpose by Colonel Meade. The third and last was, in

my judgment, the only one which I could, without risk-
ing the fate of my whole detachment to an evident dis-
advantage, really occupy; and this I determined to
occupy, and should certainly have informed His Excel-
lency of my situation if I had not been prevented by
his arrival: But to have sent one of the few attendants
I had about me to the General, merely to inform him
that I was looking for a position, before I knew where
this position would be, would have been distressing
myself without conveying any useful information. In
fact, I had no idea that His Excellency meant to move
from English-Town, where I was informed he was
posted, by a letter from Colonel Fitzgerald to Colonel
Laurens, put into my hands; and that situation ap-
peared to me the best calculated to support my corps
of any I knew of in that country, with which I was
totally unacquainted: And farther than measures that
would relate to my support, it would have been pre-
sumption in me to give any opinion.

I would here beg leave to make an observation on
what seems to have been thought of no small conse-
quence in the course of this trial, I mean the ascertain-
ing the numbers of the enemy; it is a question that
has been asked all the officers who have appeared in
Court. It must be a very peculiar situation where an
officer can or will employ himself in counting heads, for,
as every General makes it his business to conceal his
force as much as possible, the visible part of the oppo-
nent army is often the least. In most situations the
estimate must be made by inferences drawn from their
interests and their manœuvres. I had myself different
ideas of their numbers at different periods of the day;
for instance, I was once warranted to conclude, that
those immediately in our presence were about 2,000
men.

When we issued into the plain, I was convinc'd this
corps was larger, and when we were at the Court-house
I could have inferr'd from this single manœuvre, their
bearing down on our right, that still a much more im-

portant corps was near at hand; I say I should have been convinc'd from inference alone, although I had never received the positive intelligence I did of another great column advancing from their right, I should have been convinced from inference, by this manœuvre, if this column bearing down upon our right had been the whole, it would have been in air,—a piece of insanity; one cannot suppose their generals capable of. In fine, at this period, I had no doubt within myself of their whole army, at least their whole flying army, being in the field, but their number is now pretty well ascertained; they were, it appears, composed of the guards, the British and Hessian grenadiers, the British light infantry, the yagers and Queen's rangers, all the cavalry, with two covering British brigades, and afterwards I understood two more were added; if the merits or demerits of our manœuvres were to depend on the estimate of heads, we certainly merited no censure, as at the time I ordered a retrograde manœuvre, I had not 1,500 men with me.

There is one part of Colonel Hamilton's evidence I cannot help animadverting upon; it has hurt me because it is even an impeachment of my qualifications as an officer, and it has hurt me the more, as it comes from a man of esteem'd sense, and whose valour I myself was a witness of, although it is not that sort of valour, unless by practice and philosophy he can correct, will ever be of any great use to the community. The Colonel is pleased to allow me personal intrepidity, but that there appeared in me that hurry of spirits which may proceed from a temper not so calm and steady as is necessary to support a man in such critical circumstances.

Now, in answer to all this fine language, I shall only repeat, as nearly as possible, the conversation that passed between us.

When General Washington asked me whether I would remain in front and retain the command, or he should take it, and I had answered that I undoubtedly would, and that he should see that I myself should be

one of the last to leave the field, Colonel Hamilton flourishing his sword, immediately exclaimed, that's right, my dear General, and I will stay, and we will all die here on this spot. I must observe, that this hill was by no means a position to risk anything further than the troops then halted on it, with which I intended to cover my corps in their passage over the bridge, and give the enemy a check, to gain time for General Washington to make a disposition of the army. As this was the principle on which the hill was defended, I could but be surprized at his expression, but observing him much flustered and in a sort of frenzy of valour, I calmly requested him to observe me well and to tell me if I did not appear tranquil and master of my faculties; his answer was, that he must own that I was entirely possessed of myself; well, then (said I), you must allow me to be a proper judge of what I ought to do. Sir (I added) if you will take pains to examine that hill in our front, you will perceive that it so eminently commands this we are on, that it would be unpardonable to risk anything more on it than what necessity will oblige us; as to myself, I am as ready to die as what you possibly can be, but I am responsible for something more than my own person, I am responsible to the General and to the continent for the troops I have been entrusted with. When I have taken proper measures to get the main body of them in a good position, I will die with you on this spot, if you please.

If Colonel Hamilton's sentiments were really opposite to what his precise words were, I cannot help thinking it somewhat extraordinary that he and Colonel Laurens should have seen with so very different optics from those of every other gentleman who had an opportunity of observing me that day.

To Colonel Fitzgerald's, and more particularly to Colonel Harrison's evidence, (as they really appear to me to mean nothing,) I can say nothing; the whole is one tissue of negatives, opinions and comments upon opinions of those who had seen nothing and knew noth-

ing, collected gradually through all the successive ranks of the army, from fifers up to Colonels; they suppose the guns were not cover'd because they did not happen to see, during the short time they staid, a regiment exactly allined with these guns, without taking the pains to inform themselves whether there was not sufficient force whose cross fire effectually did cover them. They suppose I issued no orders, because they did not hear me issue orders, without being informed whether every necessary order had not been previously given through the proper channel and conveyed to the proper persons. They suppose that no arrangement was made because they saw no display of line, without taking time to consider whether, from the nature of the country, and the nature of the manœuvre, a display of line was possible, and whether, if it had been possible, it would not have been pernicious: To such evidences, I repeat, I can reply nothing, because they amount to nothing. A single affirmant out of the respectable list that has appeared in Court (and which, if I had chosen, might have been still more respectable), to prove that the guns were well supported, and the battalions received proper orders, and every arrangement made, which the nature of the country and the nature of the manœuvre would admit. A single affirmant out of this respectable list, whom circumstances and situations qualified to know minutely what was done and what was not done, is sufficient to overturn a whole squadron of negatives, opinion collectors, and dealers in induction from mistaken and uncertain facts.

Of all the very distant spectators of the manœuvres on this day, and those a very trifling part of them, the Baron Stubens is, I think, the only gentleman who has stepp'd forth to prove their demerits; he has certainly shewn a very laudable zeal for bringing a criminal officer to condign punishment; but the next time he takes the field of prosecution in the cause of an injured community, I hope his prudence will dictate to him the necessity of being furnished with a better apparatus.

As to Monsieur Langfrang's relation of the very curious conversation we had together (a gentleman of whose person at that time, and of what capacity he acted in, I am at this day totally ignorant), all I can say is, that either my memory negatively, or his must actively, wretchedly have failed us, as I do not recollect that I ever uttered a single syllable of it; but I can assure Monsieur Langfrang, that should he ever honour me with his presence on a similar occasion, I shall think myself justifiable in making use of any means to render the honour as short as possible.

To the introduction of Dr. Griffith's evidence into Court I took the liberty of objecting, on more than one principle. In the first place I objected to it, because posterior conversation, as I have already observed, cannot overturn facts establish'd by strong and variety of evidence. In the second place, because when I expressed an apprehension for the fate of the day, I was conscious that I alluded to things which had no reference to my crimination or exculpation with respect to any one of the charges brought against me; I alluded to certain measures which I apprehended were then in agitation to be pursued, and which I thought extremely dangerous. I was so very anxious on this head, as I knew His Excellency was unacquainted with the nature of the country before him, that I thought it my duty to represent its vices to him; and Colonel Meade, by whom I addressed my sentiments on this occasion, could, if necessary, explain my meaning fully. I objected to it for a still more substantial and extensive principle, because I think quoting conversations betwixt man and man, is establishing a precedent subversive of the laws of humanity; it must infect with jealousy that confidence which constitutes the sweetest blessing of society, must put us under that perpetual guard, restriction, and diffidence, which would render the liberties you have been fighting for of no value. For my own part, I think, that although liberty may formally be established by every law that can be impressed on

parchment, if such manners as these are introduced, if we are to live in eternal circumspection, if all we throw out in our ruffled, or unguarded moment, we are just as miserable as the wretched French under the tyrannical administration of Richlieu and Mazarine; and that I was extremely ruffled at the time I happened to fall in with Dr. Griffith, must be naturally supposed; I confess I was ruffled to an extreme degree; I was conscious of having done my duty, and more than barely done my duty; I flattered myself with congratulation and applause, instead of which, I was accosted with the most disgraceful reproach; but I must do Doctor Griffith the justice to declare, that I am convinced he was not a volunteer on this occasion, but unwarily dragg'd into it.

The two letters I addressed to the General constitute the third article of the charges brought against me. The merit or demerit of these letters do not depend so much on the literal construction as on the circumstances which gave rise to them. I must entreat every member of the Court to conceive himself in my situation for a moment. I arrived in His Excellency's presence without the least suspicions of having merited the reception I was to meet with. Conscious of having done and more than barely done my duty, conscious that I had, to the utmost of my power, obeyed his instructions, and endeavoured to fulfil his expectations, that when my first plan had been defeated, and the first retreat taken place, contrary to my intentions and orders, by the means already explained, I had, as I somewhere and to somebody expressed it, made the best of a bad bargain. The country we had been thrown into was un-reconnoitered by us, and undoubtedly well known to the enemy; the ground in all respects to us unfavourable; one ravine after another presented itself in our rear; the margin on the side of the enemy always commanding that on our's; not a pioneer with proper tools in our whole detachment; the enemy furnished with a strong and excellent corps

of cavalry, we unprovided; their numbers, as from every intelligence, has been proved superior to our's, and composed of the flower of their army; from the extreme point from whence the retreat in the first instance took place, to the eminence where the General and the army were afterwards arrang'd, a space of two miles and a half; the time employed in retrograding from one position manifestly bad to another, which had the appearance of being better, not less than three hours; and notwithstanding all these difficulties arising from disobedience or mistakes of orders, ignorance of the country, of the force of the enemy, the unfavourableness of ground, it was perform'd without the loss of a single piece of artillery, a single battalion, or even a single company—the artillery properly posted, served and supported.—The only point in the intermediate space where it was proper and necessary that our battalions should remain until the enemy came within reach of their musketry, was vigorously and effectually availed of. An attempt indeed has been made negatively to prove that this was done independently of my order. But so strong has been the affirmatives to the contrary, that this I must think will share the same fate as, I flatter myself, will be that of the other negatives.

In this perfect conviction of mind, thus thoroughly persuaded that I had done, and more than barely done my duty, that I had obeyed to the utmost of my power the instructions, and endeavoured to fulfil the expectations of the General, and that, when my first design had failed, and affairs had, from unforeseen events, assum'd a different aspect, that I had not only extricated the detachment entrusted to my command from a most dangerous situation, without loss or disgrace, but under many disadvantages baffled and check'd the enemy; I must entreat, I say, every member of the Court to substitute himself for a moment in my place, and then to ask his own breast, if instead of the congratulation and applause he expected, he had been received with slight and re-

proach, he does not think it possible to write a letter in such or stronger terms than mine, without being actuated by an unruly and contumacious spirit? or whether they are not such as the honest sentiment of a man who conceives himself injured, must naturally inspire? I must beg leave, likewise, to observe to the Court, that from the time this, as to me it appear'd, cruel injustice was done me, to the time I wrote the first letter, was an interval I believe of more than forty hours; during which I waited in sanguine hopes that His Excellency would be better informed of facts, and that the instant he was undeceiv'd, he would make me some apology for the mistake lain under; And I solemnly declare that my disposition of mind was such, as to have been satisfied with the most moderate that could have been devised, as I considered it in some respects for the interest of His Excellency, whom I had ever lov'd and esteem'd, for my own in many respects, and let me add, for the satisfaction, at least, of the Continent, that no appearance of animosity or even misunderstanding, betwixt men they had so highly entrusted, should be published to the world; but when, instead of the apology I had flattered myself with, these thundering charges were brought against me, comprehending the blackest military crimes of the whole black catalogue, I was more than confounded, I was thrown into a stupor, my whole faculties were for a time benumm'd; I read and read it over a dozen times, and thought it still a delusion, but when I wak'd and was convinc'd of the reality, I sat down and wrote the second letter, which it seems constitutes a part of my criminality. Perhaps I am blinded by self-prejudice, but I confess, so far from this letter appearing to me in a criminal light, that I cannot help being persuaded that there is scarcely, or not a single Member of this Court, who would in similar circumstances have been more moderate.

But here I must, in justice to His Excellency, observe, that when I imputed his conduct towards me, to misrepresentation and misinformation, I was ignorant of a

third circumstance. I was ignorant of it at the time I wrote those letters, and I protest solemnly, I was ignorant of it till long after this Court-Martial sat; I mean the filing off of part of the troops of my detachment beyond the eminence proposed for my position; these the General met in his march from English-Town, and hastily concluded, I must be void of all attention; but that this was contrary to my intention and orders, has been repeatedly observed, and is what I think myself by no means responsible, for the reasons already given. Now, had His Excellency fortunately have called me to him, everything, I make no doubt, would have been settled and explained to his satisfaction, and I am convinced this unhappy business would never have fallen out.

I have now, gentlemen, endeavoured to exculpate myself from the two first charges brought against me; I hope effectually. The last must be judged of by your feeling and the depending circumstances; I am so conscious in my own mind, that my conduct through the whole of this affair has been irreproachable, and have so great reliance on the candor, good sense and integrity of the gentlemen who sit in judgment upon me, that as far as my own personal fame and fortunes are concern'd, I am perfectly at ease; but as a public man, my uneasiness is very great, as I cannot help thinking, that the least appearance of dissension, animosity, or even of misunderstanding, betwixt men of so high rank amongst those engaged in the most righteous cause that ever mortals were engaged in, is a misfortune to the community and some sort to humanity; but I console myself with this reflection, that this appearance, which at another period might have been attended with the worst consequences, can now at the utmost only afford poor temporary matter of sneer and exultation to the enemies of America, of Liberty, and in fact the Rights of Mankind.

The Court adjourns 'till nine o'clock to-morrow morning.

AUGUST 10th.

The Court met according to adjournment, and adjourns 'till to-morrow at nine o'clock.

AUGUST 11th.

The Court met according to adjournment, and adjourns 'till to-morrow at ten o'clock.

AUGUST 12th.

The Court met according to adjournment.

The Court having considered the first charge against Major-General Lee, the evidence and his defence, are of opinion, that he is guilty of disobedience of orders, in not attacking the enemy on the 28th of June, agreeable to repeated instructions; being a breach of the latter part of article 5th, section 2d of the Articles of War. The Court having considered the second charge against Major-General Lee, the evidence and his defence, are of opinion, he is guilty of misbehaviour before the enemy on the 28th of June, by making an unnecessary, and in some few instances, a disorderly retreat; being a breach of the 13th article of the 13th section of the Articles of War. The Court having considered the third charge against Major-General Lee, are of opinion, that he is guilty of disrespect to the Commander-in-Chief in two letters dated the 1st of July and the 28th of June; being a breach of the 2d article, section 2d of the Articles of War. The Court do sentence Major-General Lee to be suspended from any command in the armies of the United States of North America, for the term of twelve months.

The Court adjourn without day.

STIRLING, *M. G.* and *President.*

COL. JACKSON'S COURT OF ENQUIRY.

COMPLAINT AGAINST COL. HENRY JACKSON.

[Sullivan's Correspondence (Rev. Letters) iii. 15, 17.]

The subscribers induced by a regard to their honor and reputation represent—

That many gentlemen of General Washington's army have very freely delivered sentiments unfavorable to the detachments under the command of Col^o. Henry Jackson respecting their conduct at the Battle of Monmouth.

The subscribers are conscious of their disposition to do their duty ever in the field, and are convinced of their readiness on the Plains of Monmouth, while they felt the keenest sensations, in being ordered off so precipitately, and so early in the action, when other Regiments, not less fatigued, were ordered to the ground and acquired credit.

This defect, the subscribers presume, by the behaviour of Col^o. Jackson on that day was owing to his misconduct, confusion & disobedience of orders.

The subscribers, superior to malevolence, and above a disposition to injure any character, do openly protest against Col^o. Henry Jackson's conduct, and in the strongest terms recommend he should be called to answer for his misdemeanors before a Court appointed by authority.

This the subscribers do from the best of motives, a reverence for their own honor, and a love of Justice.

July 26th 1778.

LEMUEL TRESPCOTT,	<i>Capt. in Col^o. Henley's Reg^t.</i>
EZRA LUNT,	<i>Capt. Col^o. Henley's.</i>
JOSHUA ORME,	<i>Capt. Col^o. Lee's.</i>
TH. CARTWRIGHT,	<i>Capt. Col^o. Jackson's.</i>
NATH ^l JARVIS,	<i>Capt. Col^o. Jackson's.</i>
JAMES JONES,	<i>Capt. Do.</i>
THOMAS	<i>Lieut. Do.</i>

PAT ^K PHELON,	<i>Lieut. in Col^o. Henley's Regt.</i>
RICH ^D WALKER,	<i>Lieut. in Col^o. Jackson's Regt.</i>
WILLIAM DAVIS,	<i>Ditto.</i>
SAMUEL RODGERS,	<i>Lieut. Col^o. Henley's Regt.</i>
THOMAS TURNER,	<i>Lieut. Col^o. Jackson's Regt.</i>
THOMAS EDWARDS,	<i>Adj^t. of Col^o. Lee's Regt.</i>
JAMES CARSON,	<i>Adj^t. Col^o. Jackson's Regt.</i>
JA ^S . OTIS,	<i>Ens. Col^o. Jackson's Regt.</i>
WILLIAM BARBER,	<i>Ensign Col^o. H. Jackson's Regt.</i>

PROCEEDINGS, ETC.

AT a Court of Enquiry held at the Court House in Providence, April 17th 1779, by order of the Hon^{ble} Major General Gates to enquire into and state Facts relative to the conduct of Col^o. Henry Jackson at the battle of Monmouth he thinking his character much injured, & his Reputation highly reproached—

Col^o. BIGELOW—President.

<i>Lt. Col. SPROUT</i>	<i>Lt. Col^o. VOSE</i>	} Members.
<i>Major BALL</i>	<i>Major PERKINS</i>	

Col^o. JACKSON appeared in Person and informed the Court, as follows—

Mr. President & Gentlemen of the Court—

I beg leave to make a few observations before you go into the Examination of the Evidence.

On our march from the Grand Army in July last, in Wallingsford in the state of Connecticut a gentleman of the corps informed me that some of the officers in the Detachment under my Command were signing a complaint against me relative to my conduct on the 28th June at the Battle of Monmouth, and they intended to present it to Major General Sullivan on our arrival in

this Department—As this was the first of my hearing or even suspecting but what my conduct on that day did me Honor—or if I had committed any little Errors on the Day, that Generosity & Candor would have put the most favorable construction upon it, as it was the first time I had ever been in action, & the fatigue we had gone thro' and the Heat of the Day were such as might abate the Ardor of the most experienced and veteran soldier—A month had elapsed, which increased my Surprise, as I had not heard a Whisper of the kind before—The Gentlemen that sign'd it best know their Reasons—the Day after our Arrival in this Department the Complaint was presented to Major General Sullivan charging me with Misconduct, Confusion & Disobedience of Orders on the 28th of June, and desir'd a Court of Enquiry—but as this Affair was transacted at the Grand Army, General Sullivan, with the Advice of the General officers in this Department postponed their Request; since which I have been anxiously waiting an Opportunity to have the matter thoroughly investigated: and seeing no Prospect of going to Head Quarters and my Accusers not renewing their application here, I applied sometime since to General Sullivan (as my character was hourly suffering by malicious Representations) for a Court of Enquiry; the General wrote to his Excellency Gen^l. Washington on the subject—the Answer to which Letter Brig^{er}. Gen^l. Glover received, since Gen^l. Sullivan left this Department—which refer'd General Sullivan to a Resolve of Congress giving full Power to a Major General in a separate Department to call Courts of Enquiry—On the Arrival of Major General I renewed my Application which His Excellency was pleased to receive.

On my being inform'd that Lieut. Col^o. Smith, who I supposed was the principal witness against me (from what some of the Gentlemen had said that signed the Complaint) intended to leave this Department with General Sullivan and probably would not return & as General Sullivan had not received an answer from

His Excellency Gen^l. Washington previous to his departure, I waited on Gen^l. Sullivan & insisted to have Lieut. Co^l. Smith order'd to remain 'till the answer should arrive & the Enquiry made. General Sullivan reply'd that if he should order him to remain, he knew he would immediately resign, and it would be a Pity that the Continent should be depriv'd of so valuable an officer—the General said he would inform him that I had call'd for a Court & he expected every Day an Answer from His Excellency; and if he inclin'd to remain he might act his Pleasure—I inform'd the General the Reasons, why I insisted on that officers being order'd to remain, was that many ill-natur'd, malicious and designing persons might insinuate that I had taken the opportunity to have an Inquiry when part of my Accusers and the Witnesses they depended on were absent. The General replied that he should ever stand ready to declare to the World that I had applied to him for a Court three weeks before that officer left or had the least thought of leaving this Department. The morning on which General Sullivan set out for Head Quarters, I waited on him to know if he had informed L^t. Col^o. Smith of what had pass'd between us, the General told me his Hurry had been such that he had not mentioned it to him yet, but would immediately—at the House at which we dined (as I was one of the Company that accompanied the General from his Quarters) the General inform'd me he had convers'd with L^t. Col^o. Smith on the subject before mentioned who declared that if he was brought before a Court he would say forty words in my favour for one against me. About half an Hour after I had this Conversation with General Sullivan, Brig^{er}. Gen^l. Varnum desired me to step aside with him that he had something to say to me. Gen. Varnum then told me he had been in conversation with L^t. Col^o. Smith about an hour before respecting my behaviour on the 28th of June last he then repeated everything he had said to Gen. Sullivan & even said more.

As some of the officers who signed the Complaint are at & near Boston I beg leave to hand the Court a List of their Names that they may be sent for.

Major TRESCOTT appears and relates as follows—

I was with Col°. Jackson on the 28th June last at English-Town, under his command, that the Detachment march'd from there when the sun was about an Hour high; after the detachment had began to march I understood that the light Troops of the Army was a mile or two before us; after marching about three miles the Detachment got up with them; and as they were halted, we passed them, and continued our march till we had arrived where the enemy encamped the night before. There we halted; and after being supplied with cartridges we moved on again. About that time Col°. Butler was ordered to take Post on our Right, & we in Conjunction moved on till we came within sight of the Enemies' rear. A Party of light Horse was on our right to prevent the Enemy from flanking of us, who, all at once, halloo'd out to us, for God's sake form, for the British Light Horse are upon us. Upon which the word of command was given by some person (I cannot tell who) wheel the Platoons to the right & form the Line which was immediately done. The Party under the command of Col°. Butler fired upon the Enemy's light Horse, which occasioned them to retreat. We then wheeled by Platoons to the left again & continued our march, and after marching about an hundred yards we received a shot near the head of the column, which was succeeded by several others; we were then ordered to form the line to the Left, which brought our Left into a morass & our Right lay under a Hill, so that I think the Enemy could discover us. After continuing there several minutes Col°. Grayson call'd to Col°. Jackson & told him to march his men up to that Height. Col°. Jackson ask'd him if he had any cannon up there? I think he still continued the second time to ask him—but I am not positive; about that

time Col^o. Jackson gave orders for them to face the Left & retire by Files to the Left thro' the Morass. After we had passed thro' the Morass we came into a Wood where we halted. Col. Butler came to me and ask'd me if we had any light Horse out. I told him that I did not know, but I believed there was no Troops out from Detachment; he ask'd me then, where Col^o. Jackson was, I pointed to a Place where I saw him a few minutes before, upon which he left me—In a few minutes after we march'd—After marching out of the wood we came into the Plain, near where we marched down; before we arrived at the front Line of the Army I saw a Gentleman come to Col^o. Jackson, who I took to be an Aid-de-Camp to Gen. Lee, who inform'd Col^o. Jackson that it was General Lee's orders that he should form at such a place, where I think there was a fence. Col^o. Jackson's answer to him was that his Men were fatigued and were not able to form. I cannot say whether we did form there or not. Before we left the Field, I saw Gen^l. Lee, who called to Col^o. Smith & asked him who gave Orders for them Men to retreat? Col^o. Smith made answer that he was not commanding officer, there was Col^o. Jackson, upon which Col^o. Jackson came up to Gen^l. Lee & represented his Retreat as a mistake in orders; Gen^l. Lee seemed to be very angry, and said, by God, Sir, I will let you know that I am your General, & that you had no Business to leave the Field without my Orders. Part of us soon after retired to English-Town.

Question by Col^o. Jackson : When I received Orders from General Lee to move on in front did I not push the men forward with the greatest cheerfulness in order to reach the Front, & in doing it was not the men pushed so hard that they were entirely overheated and fatigued?

Answer. I saw no backwardness in you or any one Officer or Soldier, and really I think the men were push'd too hard—

Question. Did I not give Orders to the Men, when the

British light Horse advanced upon us, not to fire till orders were given them ; and told them at the same time that the first man who dared pull trigger that I would cut him down ?

Answer. Those orders were given generally thro' the Line, and I am positive I heard you give such Orders—

Question. Do you recollect the light Horse firing on us ?

Answer. I recollect they fired and the whole Detachment stood in the Line formed in good Order. The British light Horse immediately retired.

Question. When we halted in the Wood did not a number of men faint on the spot ?

Answer. I do remember it well and attributed it to our marching so fast when we were advancing.

Question. Do you recollect whether General Lee told me he would let me know he was my General before I had given him my reasons for retreating or after ?

Answer. General Lee told you so the moment you got up to him.

The Court adjourns till to-morrow morning 9 o'clock.

APRIL 18TH, 1779.

The Court met according to adjournment.

Capt. LUNT appears and relates as follows: On the 28th of June last our Regiment, under the command of Col. Jackson, marched from English Town. Col. Jackson was in the front and hurried the men rather more than I think was necessary for Action ; on our March we met the Inspector-General, who desired us not to march so fast. We marched on to a Wood within a mile to where the Light Horse charged us ; and there made a Halt for about fifteen minutes in order to deliver out some Cartridges. Then we were ordered to parade ; Col. Jackson rode from the Right to the Left of the Battalion and gave the Troops a short Harrange, I think if I remember the words they were “ My Lads, if there be any of you who have not a mind to go into Action now is the time for you to fall out.” The Troops

all seemed inclinable to go into action. We marched from this place to a Plain where we saw the Enemy, and in a little time after some of our Light Horse called out, for God's sake form, for the British Light Horse are charging us. I was upon the left of the Detachment when I heard orders given to form, but who gave them I cannot say—The Platoons wheeled instantly to the Right and formed;—as soon as we had formed I heard a firing to our left, which I supposed were the grenadiers; I afterwards understood it was the party under Col. Butler firing at a Party of the British Horse, which occasioned them to retreat—We then were order'd to wheel to the left and continue our march. We soon received a shot from the enemy's cannon which took off the arm of one of the Men at the head of the Column, which was followed by several others; I think that after receiving this Fire we were ordered to wheel to the left and retire to a Hollow, which I then thought was a very prudent Step as we were out of Musquet shot and they playing upon us with their cannon. I heard some Gentleman, who appeared to be an Officer, call to Col. Jackson, and desired him to march his men up to that Eminence. Col. Jackson asked him if he had any Cannon there, I do not recollect hearing any answer to the Question—We were then ordered directly after to wheel to the left and march thro' the Morass in the manner as related by Major Trescott. After marching some distance we came into a wood, but whether we halted there or not I cannot say. We then marched from that wood to a plain where we made a small Halt to rest the troops. I then understood from Col. Smith that we had orders to form under a fence, and there wait till the Enemy should come up. Col. Smith marched with one half of the Regiment and formed under the fence, whilst the other half had retired two or three hundred yards from us. We then had orders to join the other part of the Regiment that was with Col. Jackson. After joining we retired some distance, when I heard Col. Jackson call out to Col.

Smith and tell him he believed he had got far enough; Col. Smith made answer and said, Depend on it, the General means to make a thorough retreat, and we had better march back to English Town. Soon after this I fainted, and flung myself into the Wood and lay till near Night, when I joined the Party again.

Question by Col. Jackson: Do you recollect a Height within Pistol shot that commanded the Morass to our left and also the Eminence that we obliqued from?

Answer. I do.

Question. If we had been attacked by a Superior Force in the Situation that we were in before we moved from the left, do you not think that we should have been drove into the Morass?

Answer. I do.

Question. Do you not think the Height I mentioned would have afforded us more security against an Attack than our first Situation?

Answer. I think it would.

Question by the President. Did Col^o. Jackson appear, when he harangu'd the Troops, as if he did it with a design to spirit and encourage them?

Answer. It appeared to me that he did.

Question by Col^o. Jackson. Do you recollect when the British Light Horse advanced upon us, that I gave orders to the men not to fire, and told them at the same time that I would cut the first man down who dare pull a trigger without orders?

Answer. I recollect there were such orders, but I was so far on the left that I could not hear whether you gave them or not.

The Court adjourned till 9 o'clock to-morrow morning.

APRIL 19th, 1777.

The Court met according to adjournment.

ADJ^T. EDWARDS appears and relates as follows—I march'd with the detachment under the command of Col^o. Jackson on the morning of the 28th of June last,

from English Town ; we were then in the Rear of the Division, but soon had orders to advance to the Front, before we thoroughly effected this, we came in sight of a Party of the Enemy, we being then in a small wood, we halted and had delivered us Ammunition. We then had orders to move forward & join Col°. Butler who was in front, we moved on with as much Expedition as possible so that upon espying a Party of the Enemy's Horse & being call'd upon & order'd to form, our rear were obliged to form on the Dog-trot ; we form'd & were order'd to reserve our Fire, the Horse approached almost within Pistol Shot & then retir'd—we then wheeled by Platoons to the left & march'd on towards the Enemy, we had not march'd far before we received several Cannon shot from the Enemy near the Head of our Column, we soon upon that received orders to oblique to the left and form to the left under Cover of a Wood, which brought our left near to a Morass—Col°. Jackson soon after this call'd Col°. Smith, & ask'd him if he did not think it best to file off by the left thro' the Morass—Col°. Smith answered, by no means without orders—just upon this Col°. Grayson call'd to Col°. Jackson & ordered him to form upon the Height—Col°. Jackson ask'd, if he had any Cannon there ; —Col°. Grayson said, No, but form ; Col°. Jackson said, Where's Genl. Lee or Genl. Wayne & then desired me to ride & see if I could find either of them to receive Orders—Col°. Smith said he would go & immediately dismounted a Countryman who was near & rode off. Col°. Jackson order'd me to ride up on the Height & see how the enemy came on—I rode up and on my return found Col°. Smith with Col°. Jackson—I told him the enemy were coming on in an heavy column. Col°. Jackson then said to Col°. Smith, Well Smith, I think we had better file off ; by no means, without Orders replied Smith, but you must do as you please ; well, said Col°. Jackson, by God, I'll do it—we then filed off by the left—As we were going off, I being in the rear, Col°. Grayson called to me

& ask'd where we were going. I replied, I cannot tell, Col°. Jackson is in front leading them off, we then went into a wood where we halted a short time, but soon received orders to retire still farther—we then marched off by Files from the Right—we retir'd some Way. I was then in front. We were order'd to strike into a thick wood & deep morass we march'd thro' and came out into a plain Field where was the front line of the army formed—we halted under a large tree on the left of the line & then perceived that the Detachment was divided but were soon after joined by the Remainder & form'd in the Line on the left, but stood not long before we received orders to march off—just as we were marching off, one of Gen. Washington's Aids came up to Col°. Jackson and order'd him to form his Men in the Line, the Col°. answer'd his Men were so fatigued they were not able to stand—the Aid reply'd, I suppose they are not more fatigued than others that have been in the Field the same time; the Col°. again reply'd “they (meaning the Men) are dropping down in the ranks, besides, Sir, I've Genl. Lee's orders to go into the Rear to refresh.”—If that's the Case, or, if you've Genl. Lee's orders, reply'd the Aid, I've no more to say—Col. Jackson then rode forward a little Way & turning back call'd to Captⁿ. Van Horn who was leading off in Front—come on, Cap^t. Van Horn, come on—we march'd back to English-Town.

Question by Col°. Jackson. Do you recollect whether the Person, who you say was Genl. Washington's Aid-de-Camp told me, when he order'd me to form, that it was Genl. Washington's orders that I should?

Answer. I do not recollect the particular words—

Question. When I was advancing did I not push forward with spirit and alertness?

Answer. I think you did.

Question. Do you recollect my haranguing of the men & spiring of them up just before we expected to engage?

Answer. I recollect that you did in the wood where we halted to receive Ammunition.

Question. Do you recollect my desiring General Lee to point out his Aids to me, at the time I was ordered into the Front, that I might know from whom I received my orders?

Answer. I think you did, but I do not recollect his answer.

Question. When we had formed the Line against the Enemy's Horse, did we not stand till the Enemy discharg'd their Carbines & then wheeled off upon seeing us stand our Ground?

Answer. They discharged their Pistols but the ball did not reach us & then wheeled off, in consequence, as I suppos'd, of our keeping our ground & reserving our Fire.

Question. Was you with me the whole time so as to know every order that I received?

Answer. I was not.

Question. Do you recollect when Gen^l. Washington's Aid-de-Camp, as you say it was, came up to me with orders to form that the men were much fatigued, that some actually dropt down with heat and that several were carried off the Field?

Answer. Yes.

Lieut. ROGERS—relates as follows:

On the 28th June last our Detachment under the command of Col^o. Jackson marched from English Town, 'till we overtook the army that was in front of us—We passed by & halted in a Wood to receive Ammunition. We received orders to march on—When we arrived in an orchard considerably advanced of the Place we marched from, we were order'd to form in consequence of hearing some one call out, form, for God's sake, form, for the Enemy's light Horse are upon us—After we had wheeled to the right & formed, they fired, and we wheeled off. We then wheeled to the left & march'd on for near an hundred yards, when the enemy fired several cannon Shot

near the Head of the Column. We still kept on our march & obliques to the left to form behind the Fence, under the cover of a wood, which brought our left near a morass. From there we wheeled to the left & marched off by Files through the Morass, into a Piece of Wood; after we had halted, there came an Officer (but who he was I don't know) & ask'd if we had any Light Horse out; Maj^r. Trescott made Answer & said that he did not know that there were—we had orders to march out of the Wood into a Field where we made another halt. We marched from there to English Town, the Place that we at first marched from.

Question by Col^o. Jackson. Do you think I advanced with the Troops in front with spirit and alertness?

Answer. Yes.

Question. Do you recollect my haranguing the men and spiring of them up just before we expected to engage?

Answer. I do.

Question. Do you recollect my giving orders to the men to reserve their Fire, after we had form'd, when the British Light Horse were pressing down upon us?—

Answer. I recollect such orders, but who they came from I cannot tell—

Question. Do you recollect my putting Officers in the rear to keep the Men up?

Answer. I do, and I was one that was ordered.

Question. Do you recollect a Height on our left that commanded the Morass & the ground that we were on, & whether it was not a better situation to receive the Enemy than the ground we formed on?

Answer. I remember the Height & think the situation better than where we were to receive the Enemy.

Question. Do you recollect that any men fainted where we halted?

Answer. The men were much fatigued & worn down with heat, so that many fainted on our way back to the Main Body of the Army.

Lieut. TURNER—relates as follows :

On the 28th of June last I march'd with the Detachment under Col^o. Jackson's Command from English Town. We had not gone far before we came up with a Body of our light Troops halted ;—we continued our march 'till we came by a copse of woods & were immediately alarm'd by the Enemy's being on our right Flank, we chang'd our Front, and then drew Cartridges—soon after we were ordered to wheel to the left and marched with some troops said to be Col^o. Butler's—We then were in front—had not proceeded far before I observed a Cloud of Dust arise accompanied with—form, for Gods sake form—the Enemy is upon us—We immediately were order'd to wheel to the Right & came to a brisk Recover—I suppose by Col^o. Jackson's orders, and not to discharge a gun by any means—directly upon our being formed the Enemy retir'd precipitately, then we were order'd to wheel to the left again, & march'd, the Distance I cannot ascertain, however were soon saluted by eight or nine Cannon Shot from a Wood a good many yards distance in our Front—we having no Cannon were ordered to retire, rather oblique to a fence at a little distance from where we came; there being a declivity it brought our left towards a morass—there we halted—directly upon that I heard Col^o. Jackson tell Mr. Edwards to go up and reconnoitre, he went & soon return'd informing him the Enemy were coming—We were then ordered to retreat, and that through the morass before mentioned—On our march we came into a wood where I heard a person on horseback enquire for Gen^l. Wayne who told us we should fall into the Enemy's hands if we did not go from there. We soon went and presently came into the Field where the heat of the Action was, where we halted, not long, for presently I observ'd Col. Smith with about half of the Detachment with which I was marching to a rail'd fence, after we had got there we 'tarry'd some time—but before the enemy came up, who

I suppos'd we were form'd for to resist I found we were retiring—Then I look'd round & saw Gen^l. Lee on Horseback and Col. Jackson at a considerable distance with a Pistol in his hand—Gen^l. Lee immediately halloo's where is that damned blue Regiment going.—Col^o. Smith stepped up and told him 'twas not his orders, but his superior officer's—alluding to Col^o. Jackson; Col^o. Jackson then came up—Gen^l. Lee turn'd round & said to Col^o. Jackson—by God, you are not commanding officer here, I am—then ordered us to form, however according to the best of my recollection we did not, but join'd the other Part of the Detachment and march'd again to English Town.

Question by Col^o. Jackson. Do you think I advanc'd with the men in Front with Spirit & alertness?

Answer. You did.

Question. When I harangued the Men in the Woods did I discover a Disposition to spirit the Men for Action or not?

Answer. You did.

Question. Do you recollect whether any Men fainted in the Wood where we halted, after we passed thro' the Morass?

Answer. I do not recollect seeing any faint, but they were so fatigued that I supposed they would rather have submitted themselves than have gone into action.

Question. When Gen^l. Lee told me that he was Commanding officer at that Place, do you recollect whether it was before I spoke to him or after?

Answer. It was before you spoke a word to him.

The Court adjourn'd 'till Monday y^e 3rd of May at 10 o'clock in the Forenoon.

PROVIDENCE, JULY 5TH, 1779.

The Court, after being put off from time to time on account of the absence of the President & some members of the Court since the 3^d May to which time it was adjourn'd—met and

Col^o. JACKSON offer'd his defence which is as follows—

Mr. President and Gentlemen of the Court--

The Court has stood adjourn'd two Months for my accusers or any other person to appear against me & as this is the time appointed for me to make my Defence, I beg your attention for a few moments.

If I have acted a part that wounds my honor, I wish not to remain in a Situation which may increase my Disgrace; If I have erred in Judgment I must solicit that candid allowance which regards the Rights of Humanity. Happy am I in submitting my conduct as an Officer to Gentlemen who have contemplated the Science of War in the peaceful hour, & brav'd its dangers in the Field of Slaughter; I shall, with Pleasure, submit to your Decision, & cannot but anticipate the Felicity of receiving your Approbation.

From the whole tenor of the Evidence it appears, that on the Day of the Monmouth Action the Detachment under my command was in advance of Gen^l. Lee's Division of the Army: That in marching forward to engage the Enemy, I omitted no means in my Power to preserve Order and Regularity; that the rapidity of our movements was almost too great, considering the Heat of the Day and the Fatigues we had endur'd; and that at the critical Moment, when we expected to engage, I shewed myself in front of my men, from right to left, encouraging them to Martial Ardor—On the march we were met by a party of Horse retiring with precipitation, pursued by the Enemy's Cavalry; I immediately form'd the line to sustain and cover them, which check'd the progress of the Enemy who halted in Front, and gave us their fire, but as ours by my positive orders was reserved, they retreated to their Infantry. Upon which I formed the Column again & march'd forward 'till we discovered a large Body of the Enemy in our Front who immediately commenced a Cannonade, with some effect. Finding our numbers

vastly inferior & being destitute of artillery, I did not think it adviseable to advance farther; but as the whole depth of the Column was exposed to their shot I obliqued to the left & displayed under cover of Copse of Wood which afforded me a degree of Security—We remained in that situation for some time expecting orders from Gen^l. Lee, & the Enemy advancing to attack us, I found it necessary to change my position & take possession of an Height a little to the rear of my left; my reasons were to command a deep morass which would have prevented our Retreat, should the Enemy have turn'd our Flanks—as it lay in the rear of our first Position in the Wood. The Resolution could not be deemed an Intention of retiring from Danger, but a changing of ground to advantage—It could not be construed into breach of Orders as I had received none for occupying any particular spot. I was answerable for the conduct of my corps and consequently was bound to adopt such manœuvres as my Judgment should direct, in the Exercise whereof I held myself accountable to God and my Superiors not to those under my Command. We had but just began a movement from our left to occupy the Hill beforementioned when an Aid-de-Camp arrived from Gen^l. Lee, who ask'd me if I had seen Gen^l. Wayne or Scott, I told him I had not, he reply'd he would be with me again immediately, and rode off—Hereupon I halted the Troops till he returned which was very soon: He inform'd me that Gen^l. Lee gave positive Orders for us to Retreat which was complied with instead of occupying said Hill. During these movements a Gentleman unknown to me, but said by the Witnesses to be Col^o. Grayson call'd to me to form to our right; but not giving me to understand by what authority he pretended to order me, I did not conceive myself subject to his controul—My Reputation depended upon the propriety of my own conduct & therefore great Caution was necessary in receiving for Commands what could not justify me in case of misfortune—We had marched

but a small Distance on our retreat before we were obliged to halt in a grove to recover the men who were fainting and falling out of the Ranks, in consequence of the excessive Heat and Fatigue of the Day. We had not been long there before a guide appeared with orders to conduct us out of the Wood as the Enemy were in close pursuit—We renewed our march and were soon met by an Aid from Gen^l. Lee, Scott, or Wayne, urging to quicken the march. I inform'd him the men were so much fatigued that it was impracticable, he gave orders to retire into the rear and receive refreshment there provided—After marching about two miles we came up with Gen^l. Lee's Division which was in a variety of positions—Here a gentleman came to me, whom I did not know nor see before & directed me to form at a certain Fence; I told him my men were incapable of more Fatigue & we had just received Orders for retiring into the rear to refresh—I do not recollect that he mentioned the orders as coming from Gen^l. Lee; but if he did I do not know him as an Aid to Gen^l. Lee, & could not have justified obeying him, especially as I had requested the Gen^l. in the morning to shew me the Gentlemen of his family by whom he intended sending Orders. Every military Gentleman of Experience is well acquainted what confusion and contrariety of orders are frequently given in the Field. It is not uncommon to be accosted by several Aids nearly at the same time from different General Officers, directing to different objects, it is extremely requisite in those circumstances for every officer to confine his attention to the proper channel thro' which he is to be ultimately guided—For instance, it would be absurd for a Colonel in the left wing of the army to receive Orders from a Gen^l. Officer in the Right, unless detached for the Purpose; and although it appeared afterwards that this Gentleman was sent by Gen. Lee which occasioned the General to shew warmth upon the occasion, yet upon being informed by me, that my not forming at the Fence was thro' a Mistake, being

unacquainted with the Messenger—he was perfectly satisfied, and ordered L^t. Co^l. Smith, who had formed a part of the Detachment at the Fence, to march off with me—I cannot imagine that my conduct in this particular can merit censure; I was scarcely acquainted with an Officer in the Army and might have been led into unpardonable blunders, by adhering to the Declaration of strangers. This Gentleman who is said to be M^r. Clarke, an Auditor of Accounts, was not in the Military line, nor appointed in orders to act as Aid to any Officer. General Lee, who best understood the Transactions himself, best knew his own orders, & if any Person, he was the proper one to charge me with a breach of them—Gen^l. Lee immediately after order'd me to form to another Fence, which we [were] executing when he countermanded the order in Person & told me to march off as he meant to effect a Retreat—while retiring an Officer came to me and ordered me to form again, but upon acquainting him with Gen^l. Lee's last order, he replied in a true military stile, that he had nothing more to say. We finally retir'd to English Town & there formed the Line under the Command of Baron Steuben.

Upon the whole I have acted a part my conscience approves, & if I have deviated from military principles, it was owing to Inexperience & not Design—I flatter myself however that every Instance of my Conduct during the 28th of June last will appear rational and uniform & consequently be entitled to your approbation—

Co^l. Jackson then laid before the Court the following in support of which he advanced in the opening of the case, viz^t. :

On the day that Gen^l. Sullivan left this department, L^t. Co^l. Smith, took me aside and inform'd me that he was convinced that Co^l. Jackson supposed him his enemy, but that he was very much mistaken. The conversation immediately turn'd upon Col^o. Jackson's con-

duct on the Day of Monmouth Battle. He said he was no way contributory to exhibiting a complaint against the Col°.; that he had not the least doubt of the Colonel's bravery; that he was a sensible, industrious Officer; and altho' he discovered on that Day some little Improproprieties, he conceived them the mere results of his great fatigue, and thought he behaved as well or better than could have been expected from a gentleman who had never seen actual service. He observed the Reason why he was so particular with me was that he considered me a Friend to both Jackson and him, and desired me to mention what passed between us, to the Colonel, with the fullest assurances of his Sincerity and Friendship. Many things more were said, similar to the above, which I cannot particularly recollect. (Signed) J. M. VARNUM.

The Court upon fully and maturely considering the Evidence & Col°. Jackson's Defence and also the Confusion of the advanced Corps of Genl. Lee's Division on that Day are of opinion that there appears not any thing against Col°. Jackson sufficiently reprehensible to call him before a Court Martial.

TIMO. BIGELOW, *Prest.*

TO BENJAMIN RUSH.

Saw Pitts, August 13th [1778.]

DEAR RUSH,

Your letter of no date, and sign'd with no name, ought, certainly either to make me laugh or make me cry. If it is from the excess of personal prudence, it ought to make me laugh—and if really the state of affairs are such that the force of party cabal and official power can be already grown to so dangerous a height that not less circumspection is necessary now in the infancy of your states than it was under the tyrannical

administration of Cardinal Richelieu and Mazarine it is really a very melancholy situation—Who the devil is, what the devil is it you are so all damnably afraid of? You tell me gravely that you still believe me honest. I am myself most confident that I am—and I'll give you a proof of it—the only letter address'd to or meant for the public which contain'd a syllable of truth in it was mine—that to the Printer of Trenton—the others, by all that is sacred, I will not except those from the highest authority, were one continued lie—from the beginning to the end this I believe you will be convinc'd of when the Court Martial is publish'd. I shall not trouble you with any detail on this subject—but be assur'd of this—that G. Washington saw, knew, and was almost as little concern'd in the affair of the 28th as he was in the battle of Philippi.

My friend Jenefer will deliver you this, and open your eyes on the subject.

Adieu, my dear Friend,

C. LEE.

FROM MAJOR EVAN EDWARDS.

Phila: Aug^t. 30th, 1778.

MY DEAR GENER^l.

I am shock'd, confounded, and exceedingly chagrin'd, to hear the Court have adjudged you guilty of all the Charges aledg'd against you, and have suspended you one twelve month on account of it—the sentence is as unaccountable to me, as that they should find you guilty.

Matters have been so cursedly represented against you in this place that I have been almost mob'd in defending you—ten thousand infamous lies have been spread that I never heard before to byass the minds of the People against you.

In the name of God, what are we come to?—So much for our republicanism.

I am beyond description unhappy I feel for the injury of a Man I so sincerely esteem: a Man whose merit is so conspicuous throughout the World, and more particularly for a man who if justice was to take place and facts properly known, merited the thanks of the Continent for the transaction of that day in a most singular Manner.

I have not been able to see Mr Lee; I call'd twice but he was not at home, to-morrow morning I shall have the pleasure I expect as I intend to call again.

Gen. Mifflin will be in Town to-morrow whom I shall likewise see.

My sincere affection you will ever command; and I shall never esteem myself so happy as when I can have it in my power to render you a service.

I will in three or four days set out and attend you either in Camp or where else you may think proper to proceed.

From your sincē s't,
EV. EDWARDS.

FROM MAJOR JOHN CLARK.

Auditor's Office, Sept^r. 3^d, 1778.

DEAR SIR,

I received a line from you wherein you request me to *relate on honor* the facts which I know with respect to the action of the 28th of June last, and the orders I delivered you from His Excellency. I must confess that I wish this request had been made previous to the Court Martial being dissolved, as it would then have been considered more regular: how far it may operate either to acquit, or condemn you, is matter I am not to judge of. But can only say, that as you have requested it, I conceive it would be cruel in me to deny you. Much has been said with respect to the *letters* and *conversation* that passed between His Excellency and you. I suspend my judgment till better informed, and

assure you that if I knew you had used him ill, I should declare myself your Enemy.

Inclosed is a state of my transactions and Observations on the day of Battle at Monmouth. I pray that wherever they are forwarded this may accompany them—I have the honor to be, amidst a variety of interruptions

Your Most obed^t

JNO. CLARK.

Major Gen^l. Lee.

STATEMENT—INCLOSED IN PRECEDING LETTER.

On the morning of the 28th of last June I was about to return from my quarters (near English Town) to Rocky Hill, but on hearing several Cannon towards Monmouth Court House changed my route and went immediately to English Town, at which I understood His Excellency General Washington was. I instantly waited on him and asked if he had any commands to General Lee, that I was going to the General and should be happy to execute them; to which His Excellency made the following reply: “You will inform General Lee that ’tis my Orders he annoy the Enemy as much as in his power, but at the same time proceed with caution and take care the Enemy don’t draw him into a scrape: that I have information the Enemy’s rear have left Monmouth, have ordered the troops with me to throw off their Packs, and will march on to reinforce him.” I then put my Horse to near full speed and soon arrived at the high Ground on the left of Monmouth Village where I found General Lee: I called him aside, and delivered the above Orders to him, which I did and still do conceive *to be discretionary and as such he received them*, as he replied. “I give you my word, I shall not advance a foot further, my men are fatigued excessively and it would be sacrificing them to pursue.” I then reconnoitred the Enemy, found them forming a line of Battle with the Cavalry on their

right—returned and gave the Gen^l. information—he then beg’d me to hurry the Troops over a Morass in his rear and gave directions to several Officers of Artillery to take post on the heights over the morass which Ground (appeared to me) commanded that on which I found the General. I then returned to the rear of the column going over the morass, & the Enemy’s Horse made a charge on a few straglers in the rear: upon which Gen^l. Lee called to me to form a Regiment along a fence on his front, Col. Jacksons of Massachusetts was the first I came to, I informed the Col: ’twas Generals Lees *positive orders* that he form his Reg^t. along the fence to check the Enemy’s Cavalry then advancing, to which he replied, his Men were so fatigued they could not form. I then called to the officers of the Reg^t. & Lieut Colonel Smith of that Corps, wheeled near half the Reg^t. & formed them along the fence: in a few minutes after I observed those troops marching from the fence, upon which Gen^l Lee asked the officers the reason, they said Col: Jackson ordered them—the Gen^l was much enraged, rode forward to the Col: & told him he (Gen^l Lee) was the Commanding officer & no one else shou’d give orders & drew his Sword, the Colonel apologized—& I parted with the General, having first requested that I wou’d inform His Excellency that by *too much precipitancy in one of his Brigadiers & false intelligence* his Troops were thrown into confusion & that he was retiring—which message I delivered His Excellency & he dispatched me with orders to Lord Sterling to form a line in the rear of a Morass, & to send on 3 Pennsylv^a Brigades with a trusty officer to support the Troops in front—to let the Troops retiring form a line on his rear—all which I declare upon honor to be true & am ready to take my oath when legally required.

J. C.

Sept^r 3^d, 1778.

TO THE PRESIDENT OF CONGRESS.

White Plains, Sept'r ye 4th 1778.

SIR

As from the first instant the charges were brought against me, relative to the affair of the 28th of June, I was thoroughly convinced in my own mind that I stood on so firm ground that nothing could shake or even in the slightest degree affect me, I took not the least pains to collect evidences for my justification—on the contrary, of the many respectable officers or indeed, whole Corps who presented themselves to save time and trouble to the Court,—I heard very considerable numbers—but notwithstanding my conviction at that time and my still stronger conviction at this time that it would and must appear that I had done, and more than barely done my duty, there is something so very material in the inclosed evidence of Major Clark, that I must entreat you, Sir, if there is no irregularity in the proceeding, to lay it before the Congress, who, I make no doubt, only wish to investigate the truth and impartially decide, and if there is any irregularity in the request, I have only to entreat that you will pardon the step I have taken, and throw the paper under the table.

I am, Sir, with the greatest respect and sincerity,

Your most obd^t. humble Servant,

CHARLES LEE.

COL. ALEXANDER HAMILTON TO ELIAS BOUDINOT.Head Quarters Sep^r. 8th 78.

MY DEAR SIR,

It is a long time since I have had either the pleasure of writing to you or of hearing from you. The long letter you promised me through Colonel Harrison, which was to come by Baron Steuben, has not made its appearance—I imagine you must have changed your mind.

You are not to expect when you see this letter, that I have anything worth your attention to say to you; I write merely to show you that I continue mindful of my promise and my friends; and when I began, I had scarcely digested a single idea which was to be the subject of my epistle.

But just at this moment one matter comes into my recollection, which is of some importance to the public; and which you as a member of Congress, are in a peculiar manner interested in. You know the feuds and discontents which have attended the departure of the French fleet from Rhode Island—You are probably not uninformed of the imprudent [conduct] of General Sullivan, on the occasion—particularly in the orders he issued charging our allies with refusing to assist us. This procedure was the summit of folly—and has made a very deep impression upon the minds of the Frenchmen in general, who naturally consider it as an unjust and ungenerous reflection on their nation. The stigmatizing an ally in public orders and one with whom we meant to continue in amity, was certainly a piece of absurdity without parallel. The Frenchmen expect the State will reprobate the conduct of their General, and by that mean make atonement for the stain he has attempted to bring upon French honor. Something of this kind seems necessary, and will in all likelihood be expected by the Court of France; but the manner of doing it suggests a question of great delicacy and difficulty, which I find myself unable to solve.

The temper with which General Sullivan was actuated was too analogous to that which appeared in the generality of those concerned with him in the expedition, and to the sentiments prevailing among the people. Though men of discretion will feel the impropriety of his conduct; yet there are too many who will be ready to make a common cause with him against any attempt of the public authority to convince him of his presumption, unless the business is arranged with great address and circumspection. The credit univer-

sally given him for a happy and well conducted retreat, will strengthen the sentiments in his favour, and give an air of cruelty to any species of disgrace which might be thrown upon a man, who will be thought rather to deserve the esteem and applause of his country. To know how to strike the proper string will require more skill than I am master of; but I would offer this general hint, that there should be a proper mixture of the *sweet* and bitter in the potion which may be administered.

I am sure it will give you pleasure to have heard that our friend Greene did ample justice to himself on this expedition; and that Laurens was as conspicuous as usual. But while we celebrate our friends and countrymen, we should not be forgetful of those meritorious strangers, who are sharing the toils and dangers of America. Without derogating from the merit of the other French Gentlemen who distinguished themselves, Mr Toussard may be justly allowed a pre-eminent place. In the enthusiasm of heroic valour, he attempted single and unseconded, to possess himself of one of the enemies field pieces, which he saw weakly defended. He did not effect it and the loss of his arm was the price of his bravery—his horse was shot under him at the same time; but we should not the less admire the boldness of the exploit from a failure in the success. This gentleman has now in another and more signal instance justified the good opinion I have long entertained of him, and merited by a fresh testimony of his zeal, as well as a new stroke of misfortune the consideration of Congress. The splendid action he has now performed, and for which he has paid so dear, should neither be concealed from the public eye, nor the public patronage. You are at liberty to commit this part of my letter to the press.

I am my Dear Sir,

With the most Affect Attachmt

Y^r obed Serv.

ALEX HAMILTON.

TO GENERAL WASHINGTON.

Purchase Street Sept ye 15th [1778.]

SIR

As I understand the Army is soon to move and it certainly will be very awkward for a Man in my circumstances to be obliged to attend it, I shall think myself very much obliged to Your Excellency for permission to go to Philadelphia. I should not be so desirous of this indulgence, if I had not been made to believe that it yet may be a considerable time before my affair is brought to a final decision.

I am, Sir, Your Excellency's

Most Obedt humble Servt

CHARLES LEE.

TO BENJAMIN RUSH.

Princeton, Sept^r y^e 29th [1778.]

MY DR RUSH,

Nothing cou'd have more seriously alarm'd me than the accounts I have lately receiv'd of the dangerous situation so valuable a Friend as you are has been in, and I most sincerely congratulate myself and all your acquaintance on your recovery—I shall make no more professions at present on this subject, as I shall soon have the pleasure of assuring you how much I am yours viva voce—I find that you are not thorough perswaded of the propriety of my Conduct on the 29th of June. Your letter implies that I did blunder—now if I did I am incorrigible—for I declare solemnly if the transactions of that day were to be done over again—I wou'd do just the same—and I aver that my conduct was in every respect irreproachable—I aver that his Excellencies letter was from beginning to the end a most abominable damn'd lie—I aver that my conduct will stand the strictest scrutiny

of every military judge—I aver that my Court Martial was a Court of inquisition—that there was not a single member with a military idea—at least if I may pronounce from the different questions They put to the evidences—and I may without charity pronounce that if They cou’d have prov’d that I had only in the course of the day utter’d the word, retreat, They wou’d have sentenc’d me to an ignominious death, or at least cashier’d me with infamy—but this retreat tho’ necessary was fortunately brought about contrary to my orders, contrary to my intention, by an accident, and if anything can deduct from my credit it is that I did not order this retreat which was so necessary—but I will not trouble you any more on the subject as you have read my defence, but I suspect not with sufficient attention, as otherwise I think not the least doubt wou’d have remain’d on your mind of the propriety of my conduct—which was to speak with a becoming pride soldierlike and in every point of view uncensurable—but Adieu, My Dr. Friend, fac ut valeas ut me (*two or three words illegible*).

C. LEE.

My respects to M^{rs} Rush.

TO RICHARD HENRY LEE.

• Princeton Sept^r y^e 29 1778.

MY D^B FRIEND

I beg you ten thousand pardons for not answering your letter and enclosing a letter to M^r Booth. I have been on a journey ever since. You shall have the best I am able to give by the next post but what can the recommendation of blasted mortal like myself avail? great God grant me patience! for what sort of people have I sacrificed every consideration—what a composition of falsehood wickedness and folly! to be ruined for giving a victory to a man whose head

was never intended for a sprig of laurels! but as Lear said, no more of this that way madness lies. I intend in a few days to be at Philadelphia where I expect to have the piece finished for the honour of the American character—that I shall be shunned and treated as a scoundrel.

I am however, My D^r Friend, at least most truly and sincerely yours

C. LEE.

Col. Richard Henry Lee,
Member of Congress.

TO COL. AARON BURR.

October 1778.

DEAR SIR,

As you are so kind as to interest yourself so warmly in my favor, I cannot resist the temptation of writing you a few lines. Till these two days, I was convinced the Congress would unanimously have rescinded the absurd, shameful sentence of the Court Martial; but, within these two days, I am taught to think that equity is to be put out of the question, and the decision of the affair to be put entirely on the strength of party; and, for my own part, I do not see how it is possible, if the least decency or regard for national dignity has place, that it can be called a party business.

I wish I could send you the trial, and will the moment I can obtain one. I think myself, and I dare say you will think on the perusal, that the affair redounds more to my honour, and the disgrace of my persecutors, than, in the warmth of indignation, either I or my aid-de-Camps have represented it. As I have no idea that a proper reparation will be made to my injured reputation, it is my intent, whether the sentence is reversed or not reversed, to resign my Commission, retire to Virginia, and learn to hoe tobacco, which I

find is the best school to form a consummate *general*. This is a discovery I have lately made. Adieu.

Dear Sir, believe me to be your most
Sincerely obliged Servant,

C. LEE.

DRAFT—TO THE PRESIDENT OF CONGRESS.

Philadelphia, October y^e 13th 1778.

SIR,

I had no intention of troubling the Gentlemen of the Congress with some complaints I have, I think with justice, to make of the proceeding of the Court Martial by which I was try'd, particularly of the President and Judge Advocate, according to my idea, stepping so egregiously out of the line of their duty, until you had decided on my fate—but there is one circumstance, I cannot without injustice to myself delay referring to your consideration—as it makes a considerable difference with respect to my culpability or innocence in the third article of the Charges brought against me—I mean the two letters written to General Washington—they are not arrang'd in the proceedings publish'd in the order in which they were introduc'd to the Court—You must observe, Sir, that these two letters are arrang'd immediately one after the other and General Washington's to me subsequently which with submission gives to 'em an air of disrespect—They do not when plac'd in their true order deserve—for had I wrote the second on the back of the first, it wou'd have certainly been wrote without a shadow of reason or provocation—but I thought the heavy charges and even style of his Excellency's letter (particularly to a man conscious of having well done his duty) wou'd justify such a reply—I have, Sir, one favour earnestly to intreat of the Congress, it is that They will have the indulgence speedily to determine my affair, as They may easily conceive that to a man of my rank, length

of services, and of some, as I flatter myself, small military reputation to remain with a rod of infamy hanging over his head—as when the affair is brought quite to an issue I can with propriety request your permission to send over to France and even to England a few copies of the proceedings of this Court—which I confess, I am sanguine enough to persuade myself will in themselves without the least

fully vindicate my conduct in
of every soldier in the World.

Sir, to believe that I am with
the greatest truth and devotion

Your most obedient humble Servt

CHARLES LEE.

GENERAL WAYNE TO ———.

Fredericksburg, 14th October 1778.

DEAR SIR,

After two years hard service during all which time I have been honored with the command of the Penn^a Line—at the Close of this Campaign, I find myself superceeded, & put under a Genl. Officer who has in the most ungenerous & Envious Manner attempted to throw a *stigma* on my character as an officer by the following artful Invidious opinion, viz (vide Report)
—from which Charge by the Indulgence of His Excellency in Granting me a Genl. Court Martial, I was totally acquitted in the following words, viz:

“The Court are unanimously of opinion that Brig. Genl. Wayne is not guilty of the Charge exhibited against him—but that on the night of the 20th of Sept^r. Genl Wayne did everything that could be expected from a brave, active, & vigilant officer (acting under the orders he then had) the Court do therefore acquit him with the Highest *Honor*.”

After this can I serve under the immediate Command of an Officer who has thus wantonly & invidiously at

tempted to Injure my Character & that in so artful a manner, as by affecting to give me some Credit for my Bravery, hoped thereby to prevent a further enquiry—he assured that I never can, nor never will submit to it—but I have other reasons—one of which is the conduct of that Gentⁿ at *Monmouth*—an opening offered for striking the Enemy to Advantage—I sent for the three Penn^a. Brigades to support me—he haping to be near them when my Request arrived peremptorily ordered them not to advance—except three Regts. which with myself must inevitably have perished had the enemy not been fortunately broke & routed by the unparalleled Bravery of these few troops & Contrary to the most sanguine hopes of every spectator—and altho' victory declared for us & the slaughter great yet we could not improve the Advantage from the Disparity of Numbers—of which we were Deprived either by the Ignorance *or envy* of this Gentleman.

Add to this that Col^o. Irvine the Gentⁿ. at the Head of my Brigade is fully Competent to the charge and whose feelings I am Determined not to hurt by Depriving him of that Command.

I don't mean by this to ask promotion—my only ambition was as Brig^r. to command the Penn^a. Line—which Command I have been indulged in for two Campaigns, & therefore thought I had some Claim to that Honour in future.

But to be superceeded *at this late Hour* by a man in whose Honour, Conduct, and Candour I can have no Confidence—hurts me not a Little.

This perhaps may be a mode of Reasoning that will have but small weight—and be construed into a desire of promotion—I solemnly protest that I have no such wish—I only hoped not to be *degraded*, i, e, to be reduced from the command of a division to a brigade—and that under a man who for the Reasons I have already mentioned I can never submit to.

I have therefore Determined to Retire to Domestick Life & leave the Blustering field of Mars to the posses-

sion of Gentⁿ of more worth & whose feelings may not be as delicate or so much injured as those of

Your most humble Servt

ANTY. WAYNE.

TO THE PRESIDENT OF CONGRESS.

Philadelphia, October ye 16th 1778.

SIR,

I had no intention of troubling the Gentlemen of the Congress with any complaints, I think with Justice I have to make with respect to the mode of proceeding of the Court Martial particularly of the President and Judge Advocate stepping so widely (in my idea) out of the line of their duty, until you had decided on my fate, but there is one circumstance I cannot, without injustice to myself delay apprising you of, as it makes in my opinion a considerable difference with respect to my guilt or innocence in the third article of the charges brought against me. I mean, Sir, my two letters are not arranged in the proceedings published in the same order in which they were introduced to the Court. You must observe, Sir, that these two letters in the proceedings printed are made to follow immediately one the other, without the intervention of General Washington's this in my opinion, gives to the second an air of disrespect, it would not perhaps, when placed in its proper order, carry—for had I wrote this second letter on the back of the first it might have demonstrated an eagerness to provoke and irritate but the black charges contained in his Excellency's letter and even its style echoing my words, I thought would justify such a reply in this or any other Army in the world, particularly as I had taken it into my head, whether with reason or not, I cannot pretend to say, that I had merited his and the public thanks. As to the misdates of the letters, the matter was cleared up in the Court—they ought all to have been dated on the thirtieth of June.

I entreat, Sir, you will believe that I am with the greatest respect and sincerity.

Your most obed^t. humble Sert.

CHARLES LEE.

DRAFT TO THE PRESIDENT OF CONGRESS.

Philadelphia, October y^e 29th 1778.

SIR,

When it is consider'd that I hold a high rank in the service of one of the most respectable Princes of Europe ; that I have been honor'd with the office of second in command in your Army ; that I have hitherto serv'd with some degree of reputation as a Soldier ; that I am accus'd, and have been try'd for the blackest crimes in the whole military catalogue, and to the astonishment not only of myself but of every man in the Army who was present at the Court Martial, and every man out of the Army who has read the proceedings of the Court, been pronounc'd guilty of these crimes, I hope I shall not be charg'd with presumption in requesting that when the discussion is enter'd into of the justice or iniquity propriety or absurdity of this sentence, the doors of the Congress may be thrown open—indeed I cou'd wish that the whole world, at least the whole military World were to form the audience.

I make Sir, this request not only for my own sake, but for the sake of the Public, as I think such a proceeding agreeable to the principles of the democratical Constitution establish'd.

I am Sir, with the greatest zeal and respect

Your Excellency's

Most obedt. humble serv^t.

CHARLES LEE.

To his Excellency

Mr. Laurens

DRAFT TO THE PRESIDENT OF CONGRESS.

Philadelphia, October y^e 30th 1778.

SIR,

When it is consider'd I hold a high rank in the service of one of the most respectable Princes of Europe; that I have been honour'd with the trust of y^e second command in your Army; that I have hitherto serv'd with some reputation as a soldier—that I now stand charg'd, and have actually been try'd for some of the most heinous military crimes; and to the astonishment not only of myself, but I can venture to say of every man in the Army who was present at this Court, and of every Man out of the Army who has read the proceedings, found guilty of these crimes—when at the same time I am myself inflexibly perswaded that I am not only guiltless, but that the Success of y^e 28th of June ought principally in justice to be ascrib'd to me. I say, Sir, when these circumstances are consider'd it must be allow'd that my present situation is extremely awkward—that a man of my military rank lingering in suspense whilst his fame and fortunes are sub judice, is rather a disgraceful spectacle; that it is natural for me to wish, and reasonable for me to request, that the Congress will no longer delay the final decision of my fate—an additional motive for my requesting it is that I find the Congress is every day growing thinner, and I confess that I cou'd most ardently wish that the Congress was not only as compleat, as possible in numbers, but that if it was agreeable to the rules of the House that the People at large might be admitted to form an audience when the discussion is enter'd into, of the justice or iniquity, wisdom or absurdity of the sentence which has been pass'd upon me. I do now, Sir, therefore most humbly but earnestly entreat that a day may be immediately fix'd for the final determination of this affair.

PRESIDENT REED TO GENERAL GREENE.

Philad. Nov. 5. 1778.

MY DEAR GENERAL,

It is with very great satisfaction I set down to answer your Favor of the 26th October, exclusive of all concerns of business, or Politicks. I am happy to find you safely return'd from an expedition, from which I confess I expected nothing & am therefore not one of the disappointed. I have no idea that Gen. Sullivan ever will shine as a military officer, and I have learn'd so much of military matters, that the thanks of Congress or the puffs of the Camp (which in this case we have not had) have little influence on my Mind. Untill I heard you was gone, I had not the most distant hope of any advantage, & I cou'd not help believing that his ill luck, & other circumstances wou'd be an over Match for every thing you cou'd do—However I am told (indeed that we know here) that he has beprais'd *you all* in such a manner, that like the Continental Money it takes a great Deal to purchase any Respect or Value. I believe I may venture to say this much, that Congress will be more sparing of their Thanks upon another occasion. One thing I imagine will not be so easily pass'd over, I mean disgusting our Allies: there are certain occasions when we ought neither to see nor hear; much less to express what we see or feel, & tho' it might & I suppose did wound certain Feelings very much which our Hero elect may have—I think he would have done well to have suppress'd them. He should have considered, that God almighty may have made some other Creatures in the same mould with himself, I do not mean by this to condemn the Count d'Estaing, from all the Evidence, I should *now* say that he did right, but whether I should have thought so *then* is not so clear.

As to your Department—perhaps the part I had in framing it, the Hopes I had form'd & express'd, the support I had given it in & out of Congress may have

occasion'd an overweening & undue anxiety that you shou'd discharge it with Honour to yourselves & advantage to your Country. Perhaps this anxiety may have induced me to lay greater stress upon Incidents than they really deserved. If it shou'd be so, & I have been too tremblingly alive to every Circumstance that tended to impede or disparage it, I can only say it was an Emanation of Friendship & Affection the Effects of which cou'd not injure tho' it might serve the Department—You must be sensible that my delicate situation will forbid me to say much in a Letter, but yet I will trust a few Sentiments upon Paper & shall rejoice to find that Events prove me totally mistaken—I think there has been a constant subsisting Opposition between the old Department & yours from the beginning, & in Congress the Marks appeared very evident.—Mr. Duer & the Party adhering to the old Q^r. M^r. set out with predicting that you would never be able to move the Army, being disappointed in this, & the accounts from Camp not answering their Wishes they have been since predicting a Distress this Winter equal to the last, & that for a very plain reason that the Distress of the Army last winter will then be ascribed to unavoidable Misfortune & not to any Delinquency ever accompanying their argum^{ts} with irritating Remarks upon the amount of the Expenditure & running a Parallel in this Respect with the last year. The absurdity, Injustice & even Wickedness of this Sentiment does not prevent their repeating it over & over again upon every application for money. Under this view therefore I confess I never was able to discern the Policy or Wisdom of continuing under you Men devoted at all Points to those who were the fixed & inveterate Enemies of the Department, who were quite in another Interest & who I firmly believe only remained in Office to cover more effectually their own Conduct & embarrass & betray you. That there are some of these I suppose you cannot be ignorant, but the person whom I principally refer to is Col. Hooper & who I verily believe was

brought in for the above Purposes. You must be sensible also that one of the great Complaints against Gen^l Mifflin was employing Persons under him of known disaffection to the Interests of America & openly hostile to the authority of the State in which they were to act—this is now brought against your department & verified in a very remarkable & recent Instance. The Brother of the infamous Dr. Smith & equally infamous with him for the part he has acted in the publick Cause, has, since Danger of disobliging the British Interest is removed, been appointed Q^r. Master of a County: under the Influence and credit which this gave him, he is now returned (with several to whose Election he greatly contributed) in the Assembly to destroy & counteract that interest upon which your Honor and even safety as a publick Officer depends—for Integrity itself is not always a match for the malevolent Views of a Party—Col. Ross at Lancaster used also every Influence his Office gave him to effect a Return of Members under the same Influence, but finding it impracticable, a mob was raised which threw the whole into confusion—Col. Hooper not only harangued & exerted every Power, but the Clerks of office were employed in Writing Tickets, & then march'd off with all their Dependants for the like purpose. In short in this City, & every Part of this State the whole Weight of the Department was given & ever exerted against your Friends, with what real effect time only can determine. One effect is obvious, to wit, throwing everything into Confusion, a Circumstance I imagine which will not contribute much to your Ease & honour—You say in your Letter before me “that you understand Gen^l. Mifflin wants the Presidents Chair, that every body wishes me to accept it, & none more than yourself, that the Chair would be very convenient to a publick Delinquent there can be no doubt, & it is really diverting to observe the Windings & Turnings he takes to recover lost popularity, that he would sacrifice everything for his own safety, & gratify his inordinate ambition at

any rate is very obvious—but all his artifices would fail, and he would have sunk into utter contempt if he had not been bolster'd up by many who derive their Importance from their connexion with you.

The Chair was in my offer all last Summer—neither Ambition or Interest inclin'd me to accept it, but I now plainly see that there is a settled fixed System to subvert the Whig Interest & that in a little Time the very Name will be reproachful, if there are not very spirited exertions. You have undoubtedly heard into what Line Gen: Arnold has thrown himself—if Things proceed in the same Train a few months longer I wou'd advise every Continental Officer to leave his uniform at the last stage, and procure a scarlet coat, as the only mode of insuring respect & Notice.

The Whigs are not depress'd, tho' the Tories are unhumbled & I still hope & believe if our own Friends will not take part against us we shall rise superior to all their efforts.

I do not pretend to say from what Cause it has proceeded or how it has happened, but I am inclined to think our Friends have been overreached—little attentions, great seeming respect, & treacherous professions, have led them into the snare, & there is often so much pride in the Human heart, that it will persist in the Error rather than acknowledge the Imposition. I am inclin'd to think Congress will soon suspend Hooper for some practices not very honorable to himself or the Department, but as they are mingled with the Transactions of the former Department we cou'd not disclose them to you—indeed from their nature, yourself & the Department generally must appear exempt from suspicion. After having suggested upon two occasions to Mr. Cox my apprehensions that the Department might suffer from certain measures, & meeting with a different Reception than I expected, I could not trouble him any further, with any similar Remarks, but resolving to preserve private Friendship have constantly avoided the subject—for the same reason I must request you to

use this Letter consistently with my views. The Honesty of his Heart has made him very averse to doubt that of others, & he seems to think it disrespectful to himself that the Probity of any one appointed by him should be doubted—for these Reasons and others which are obvious you will see what I say is to *you*.

As I have not been in Congress for 3 or 4 weeks I did not know till since I had wrote the above that a Complaint of some kind has been formerly made against the Department, & a Committee, actually appointed thereupon. But hearing that the Committee on the former Departm^t. (of which I am one) had Evidences of some Mal-Practices of Hooper this Summer they sent to me for them but I evaded it; I shall make further Enquiry and let you know whether it is of any consequence. Had I thought of it in time I wou'd have wrote you to caution your People against meddling too much in the Election either way, as it has a manifest tendency to raise Enemies to the Department unnecessarily. Indeed I thought you had express'd yourself so clearly to them on your intention not to embroil yourself with any State Disputes that they would have avoided everything of the kind. However they have done it, & most evidently against the Interest you favour. They already talk of a sett of Delegates from this State, which if I thought there was any probability of their carrying, I should advise Mr. Pettit immediately to prepare himself to leave the Department, as I am sure his connection with me & their unprovoked Enmity would induce them to give you every opposition in their Power. What would you think of Mr. Chew the late Chief Justice, whom we kept Prisoner as an Enemy, 'till within these 3 months, upon full Evidence of his Enmity to us, & that so great that he could not be trusted on Parole. But if Pettit was out of the way, you would not be much better off as they are in the same Interest & I believe with not very different Views than the Reading Junto last Winter—Gen. Lee is making his Court, & I believe successfully to the same Interests, at least if we may

judge from personal civilities & attention—We are totally out—After laboring to convince me that he had great Merit at Monmouth, & I to convince him that he had behaved very ill, which I knew from his own mouth, & my own observation we have parted mutually unconvinced—I only added one Piece of Advise to him to forbear any Reflections upon the Commander in-Chief, of whom for the first time I have heard Slander on his private Character, viz, great cruelty to his Slaves in Virginia & Immorality of Life, tho' they acknowledge so very secret that it is difficult to detect. To me who have had so good opportunities to know the Purity of the latter & equally believing the Falseness of the former from the known excellence of his disposition, it appears so nearly bordering upon frenzy, than I can pity the wretches rather than despise them. However they help to make up the Party. New Characters are emerging from obscurity like Insects after a storm. Treason, Disaffection to the Interests of America & even assistance to the British Interest is called openly only Error of Judgment, which Candour & Liberality of Sentiment will overlook, these are Gen. Cadwallader's Sentiments and that all distinction should be laid aside under a perfect oblivion for past offences, if such practices deserve the name of offences—Out of the great Number of Pilots, Guides, Kidnappers, & other Assistants of the British Army two of the most notorious were convicted, but it would astonish you to observe the Weight of Interest exerted to pardon them, & virtually every other, for none could be more guilty, but these being rich & powerful (both Quakers) we could not for shame have made an example of a poor rogue after forgiving the rich. The same gentlemen publicly pronounced their Execution a horrid Barbarity, infamous Carnage, &c—so much & so soon do Party views change the Minds of Men, & of so little consequence do they estimate the Lives & safety of officers & soldiers who are so often destroyed by these treacherous Practices, when the Considerations of Power & Ambition intervene.

There is a considerable Majority of real Whigs in the house, a number of *new* Converts to the Independence of America & a few real inveterate but concealed Tories. The Council who are also the Representatives of the People are Whigs to a Man the only disadvantage the Whigs have is the want of speakers.

From some Inquiries I have made since I began this Letter, I imagine Smith got into Office last spring under the influence of the Junto then form'd against the General & has been continued by Davis who is appointed by you.

It is reported here that Mr. Cox has proposed to Congress an alteration of the Commissions as making the office too lucrative even beyond his Desire. I suggested an Idea of this Nature to Mr. Pettit when I was at Camp as a thing worthy your consideration when you were all together. If Mr. Cox has conveyed any sentiments of this kind to Congress I am sure they must have proceeded from a Belief that they would promote the common Interest & might be necessary to obviate any Prejudices agst. the Department. I said in Congress & say now that unless any man will declare that he believes the Commissaries & Q^r. Masters enhance the Prices in order to increase the Commissions I think the latter should not be diminish'd on acc^t. of the Expenditure because it was Value not Quantity that was to be the Reward of Publick Duty. The Measure would certainly be disinterested & generous on the Part of the Staff, but I am clear the States cannot in Justice demand it, & I am sorry to add farther that the prejudices which prevail with respect to the advantages Mr Cox has had in Bargains, Privateering &c. would in the eyes of some lessen the Value of the offer because it would be suspected to proceed from a less honorable motive than it really did—I need not say more.

Col. Cox sometimes throwing out Ideas of Resignation leads me to say a few words upon that point. He cannot resign—I mean he cannot resign with Honour,

& therefore I hope he will dismiss every Idea of that kind. I will not say that such an Event would break up the Department tho' it would injure it—but if Mr. Pettit was to consult me upon such a point I should be against it as to him, & no prejudices have gone forth against him or you—Much more should I dislike such a step if there had.

I am very glad you have found in Mr. Pettit those Qualities which I think will cement your Friendship & Interests—tho' he is my Brother I believe I may say without partiality that he will wear well & that you will find him not only a man of business & Temper but unquestionable Honour & Patriotism—I look back with some surprise at the Quantity I have wrote, but there is one material Fact respecting yourself which I ought to add tho' it will swell my Letter, already beyond all reasonable size. In Mifflins attempts to re-establish himself he found his Enmity to the General was a fatal objection; he has therefore been obliged to recur to his old Ground that he did not oppose the Commander in Chief, but his favourites (yourself & Knox) who had an undue Influence over him—this is the Language he is obliged to talk or he would have been utterly rejected, and this is the language which some of your people have talked for him.

I am yet at a loss to say what will be the result of our present measures—I am in the Council and shall now accept the Chair if offered to me with a tolerable salary because I see plainly that unless I make this sacrifice of my Interest & Ease the Whig Interest must be materially injured. Will you not think it extraordinary that Gen. Arnold made a publick Entertainment the Night before last of which not only [numerous] Tory Ladies but the Wives & Daughters of Persons proscribed by the State and now with the Enemy at New York, formed a very considerable number? The fact is literally true.

Adieu—I hope our Friendship founded on our mutual attachment to our Country & cemented by mutual

dangers & kind offices will not easily be shaken. My love to M^r. Pettit—I will write him very soon & am D^r Sir

Your affect. Friend & Hbble Serv^t.

JOS. REED.

Endorsed—"Joseph Reed—5th Nov. 1778—Mem: The whole of the Washington, Mifflin, Arnold Parties &c.—Vindication of Gen. Washington."

FROM BARON STEUBEN.

MONSIEUR !

Il m'est revenue que dans Votre defense Vous Vous etes permis à mon sujet des Reflexions indiscrets. Je me suis hati de venir à Philadelphie pour m'en eclaircir, et je trouve le rapport confirmé par le journal de la Cour martiale qui m'est parvenue depuis un heure, ou je lis le paragraphe suivante

"Of all very distant Spectators" etc etc

Se j'étais dans ma Patrie ou ma reputation est des long temps faite; je me serai mis au dessus de vos Epigrammes, et les aurez meprisé—mais je suis ici Etranger—Vous m'avez offensé—je vous en demande Raison.

Vous choisirez le lieux le temps et les Armes mais comme je n'aime à être Spectateur ni éloigné ni tardif; je demande de vous voir aussi près et aussi tôt que possible.

Mr. le Capt. Walker qui vous remette la presente m'informerá de vos resolutions.

je suis

Monsieur

Votre tres humble Serviteur

LE BARON DE STEUBEN.

Philadelphie

ce 2 de Des [1778.]

FROM COL. ALEX. HAMILTON TO BARON STEUBEN.

I snatch a hasty moment My Dear Baron to acknowledge the receipt of y^r obliging favour of the 6th—It came here while I was absent in an interview with some British Commissioners on the subject of an exchange of prisoners; and was not delivered me 'till two days ago—I am sorry that your business does not seem to make so speedy a progress as we all wish; but I hope it will soon come to a satisfactory termination. I wish you to be in a situation to employ yourself usefully and agreeably and to contribute to giving our military constitution that order and perfection, which it certainly wants.—I have not time now to enter upon some matters, which I shall take another opportunity to give you my sentiments concerning.

I have read your letter to Lee, with pleasure—it was conceived in terms, which the offence merited, and if he had had any feeling must have been felt by him. Considering the pointedness and severity of your expressions, his answer was certainly a very modest one and proved that he had not a violent appetite, for so close a *tete a tete* as you seemed disposed to insist upon. His evasions, if known to the world, would do him very little honor—I don't know but I shall be shortly at Philadelphia; if so, I shall have the honor of personally assuring you of the perfect respect and esteem, with which I am

My Dear Baron

Y^r most Obed Serv.

ALEX. HAMILTON.

H^d Q^{rs} Dec. 19. 1778.

The Honorable Major General
Baron de Steuben, Philadelphia.

TO THE PRINTER OF THE PENNSYLVANIA PACKET.

[Pennsylvania Packet, Thursday, December 8, 1778.]

SIR,

As I perceive it is not found an indecency to attack my character and conduct on the 28th of June; whilst the affair is sub judice, I hope the public will think it none, if I offer something in my own defence—You will, therefore, by giving a place in your papers to the enclosed, extremely oblige, Sir,

Your most obedient humble servant

CHARLES LEE.

GENERAL LEE'S VINDICATION TO THE PUBLIC.

The different commentators on the orders I received from Gen. Washington on the 28th of June, have, I think, construed them into no more than three different senses. I shall therefore, for argument's sake, give the world leave to suppose them to have been any one of these three :*—1stly, To attack the enemy in whatever situation, and in whatever force I found them, without considering consequences.

2dly, To contrive the means of bringing on a general engagement—Or

3dly, To annoy them as much as possible, without risking any thing of great importance; that is, in fact, to act with a great degree of latitude, according to my own discretion.

Now, I say, granting any one of these three to have been the orders I received, it is manifest, that I did literally and effectually comply, as far as depended on myself, and on human means. As to the first, notwith-

* It must appear somewhat extraordinary, that when the principal and heaviest charge brought against me, was the disobedience of orders, these orders that it seems I disobeyed, should never have been attempted to be ascertained to the Court by the proper authority, but were left to the conjecture and wild constructions of those who might take the trouble to guess, and to the hardness of those who might chuse to invent. ;

standing the attempt, by a low evasion, to prove that the orders I gave were only to *advance* on the enemy, it is clear from Captain Mercer's evidence, that General Wayne and Colonel Buttler were ordered, not only to advance, but, in precise terms, to attack ;—it is clear, that I did, with the three Brigades on the right, make the only movement possible to accomplish this end—it is clear that I did not wish, or give any orders for a retrograde manœuvre from the first point of action, and that, even when I was informed of our left being abandoned, the retreat, however necessary, was, I am ashamed to own it, done contrary to my orders, and contrary to my intentions. I say I am ashamed to own it ; for if the British cavalry had vigorously pushed on our right, they might have turned our flank, taken us in reverse, and we had been lost. There is but one supposition, and indeed only one (and that, for the General's honour, is too monstrous to be admitted), that would render me criminal ; it is, that he had positively commanded me, that after the attack commenced, whatever were my circumstances or whatever were my numbers, from thence I should not, from any consideration, recede an inch. Now, if such I had conceived to have been his intention, so great is my opinion of the valour, zeal, and obedience of the troops, and so well I think I know myself, that I do really believe we should all have perished on the first spot ; but I never had, (it was almost impossible that I should have) an idea that such was his plan ; and it is evident that it was not ; consequently, in seeking a better position in our rear, I could be guilty of no disobedience. Upon the whole, admitting the orders I received to have been (as it has been insinuated) to attack, without any consideration of the force, or situation of the enemy, they were as fully and rigidly obeyed, circumstanced as I was, as it was possible for any human officer to obey orders of such a nature. In the next place, if the General's instructions are construed to be, that I should find the means of bringing on a general engagement, it is difficult to im-

agine a more efficacious method than that which was pursued. But I must here beg leave to observe, that those gentlemen who talk so familiarly of bringing on a general engagement, must understand themselves as little as they can be understood by others. To bring on a general engagement is not always in our power. An enemy of any capacity will take such measures as not to be under the necessity of fighting against his inclinations; and, however it may be received, I cannot help being persuaded, that some of the British generals are not deficient in this great essential. Clinton, Grey, and Erskine, were bred up, and considered no despicable officers in one of the best schools of Europe. Prince Ferdinand and his nephew, the hereditary prince, think, it is said, and do most certainly speak very honourably of them. Now, although it must be supposed that men of this stamp will make it a rule to retain the power of refusing a general engagement, there are strong grounds for believing, that on this day (whether from our manœuvres, or from the often ungovernable impetuosity of the British troops) they would have been put under the necessity of committing the most considerable part of their army to the decision of arms, if the opportunity on our side had been availed of. They were tempted to pass three of the great ravines which traverse the plain; and there is room to flatter ourselves they would have passed the last, if they had been wisely suffered. They would then have been actually in *our* power; that is, they would have been under the necessity of fighting against unequal force; for they had scarcely the possibility of retreating, and it was at our option to engage whatever part of the army we thought proper, whether the whole, one half, or only a third, as they had immediately emerged from the ravine, and before they could have had time to develope and form; our rear was, on the contrary, quite clear and unembarrassed, and were, in fact, entire masters of our manœuvres; at the same time, Colonel Morgan, and the militia on the flanks, by this separation of the major part of the ene-

my's army to so great a distance from their baggage, and the body covering the baggage, would have had a much fairer opportunity of making their respective attacks, than if they had remained more compact: thus, if any thing is meant by finding the means of bringing on a general engagement, it was done, and in the most salutary manner, to the utmost extent of human possibility.

We come now to the last supposition, *viz.*, That the orders I received (which in fact is the truth, unless they had no meaning at all) were to annoy the enemy, strike a partial blow, but without risking any thing of great importance; or, in other terms to act in a great measure discretionally.* And here I defy the most acute military critic of the world, to point out a more effectual method than what was pursued; for, had we taken post on the hither or western margin of the first ravine, as General Wayne seems to think we ought to have done (and admitting that in this position our flanks could have been secure, which they certainly were not,) or on the margin of any of the other ravines in our rear, the last not excepted, if the last had been tenable, how could we possibly have annoyed the enemy, or struck a partial blow? The consequence could at most have been this, that we might have remained gazing on and cannonading each other for some time, and the moment they chose to retire, they could have done it at their leisure, and with impunity; for, by all the rules of war, and what is more, by all the rules of common sense, we could not have ventured to pursue them, because we should have put, if not impracticable, at least very dangerous, defiles in our rear; and if they had turned back upon us, we should have been effectually in *their* power, unless we could have insured victory to ourselves with very unequal numbers; but, by drawing them over all the ravines, they were as much in *our*

* It must be remarked, that disobedience to discretionary orders is, *prima facie*, a glaring absurdity; it is an impossibility; and yet it has been endeavoured to prove me guilty of this impossibility.

power ; besides, it must occur to every man who is not destitute of common reason, that the further they were from their ships and the heights of Middletown, the point of their security, the more they were (to use the military language) in the air.

To these considerations may be added, that the ground we found them in, was extremely favourable to the nature of their troops ; and that we drew them into, as favourable to ours. The ground we found them in, was calculated for cavalry, in which they comparatively abounded ; and that which we drew them into, as much the reverse. In fine, admitting that the order I received was any one of the three referred to, and supposing we had been as perfectly acquainted with every yard of the country as we were utterly ignorant of it, I am happy to be able consciously to pronounce, that were the transactions of that day to pass over again, there is no one step I took which I would not again take. There is no one thing I did which does not demonstrate that I conducted myself as an obedient, prudent, and, let me add, spirited officer ;* and I do from my soul sincerely wish, that a court of inquiry, composed of the ablest soldiers in the world, were to sit in judgment, and enjoined to canvass with the utmost rigor every circumstance of my conduct on this day, and on their decision my reputation or infamy to be for ever established. There is, however, I confess, the strongest reason to believe (but for this omission I am no ways responsible) that, had a proper knowledge of the theatre of action been obtained, as it might, and ought to have been, its nature and different situations, with their references studied, and, in consequence, a general plan of action wisely concerted and digested, a most important, perhaps a decisive blow might have been struck, but not by adopting any one measure that any one of my

* This stile, on ordinary occasions, would appear a most intolerable and disgusting gasconade ; but when a man's conduct has been so grossly misrepresented and calumniated, as mine has been, the strongest language is justifiable in his defence.

censurers has been fortunate enough to think of. I have already said, that had we remained on the ground where the attack commenced, or on the margin of the first ravine, which General Wayne seems to think was a good position, we should probably have been lost; and I believe I may safely assert, that had we attached ourselves to the second position, in front of Carr's house, reconnoitred by Mons Du Portail, on the hill which Colonel Hamilton was so strongly prepossessed in favour of, and allowing our flanks to be secure in any of these positions, which it is evident they were not, security would have been the only thing we could have had to boast of. The security of the enemy would have been equally great; but any possibility of annoying them we certainly had not. I assert, then, that if we had acted wisely, it was our business to let one, two, or three thousand pass the last ravine, in the rear of which, and on the eminence pointed out to me by Mr. Wikoff, and to General Washington by Colonel Ray,* the main body of our army was posted, fresh, and unfatigued; whereas those of the enemy were extremely harassed, or, indeed, worn down to so low a degree of debility, that had they once passed, they had little chance of repassing; the ground was commanding, and to us, in all respects advantageous. A sort of natural glacis, extending itself in our front, from the crest of the eminence quite down to the ravine, over which there was only one narrow pass, the plain so narrowed as to give no play to the manœuvres of their cavalry; and at two or three hundred yards distance in the rear, a space of ground most happily adapted to the arrangement of a second line.† This ground, from the nature of its front, is almost en-

* To these two gentlemen not a little credit for the success of the 28th of June is due.

† It may be objected, that a part of my detachment there, under Scott and Maxwell, had already filed off in the rear, but they might easily have been brought up. It is evident they might, as not long afterwards a part of them were ordered, and did march up. It must be observed, that I myself was totally ignorant that any part of them had filed off; but those I had with me would have formed a very respectable line of reserve.

tirely protected from the annoyance of the enemy's cannon ; and, of course, well calculated for the respiration of a body of troops, such as my detachment was, fatigued, (but not dispirited) by action, and the excessive heat of the weather ; here they might have taken breath ; here they might have been refreshed, and, in a very short time, refitted at least to act as a line of support, which was all that, in these circumstances, could be necessary. I proposed to the General to form them as such, but was precipitately ordered, (and, I confess, in a manner that extremely ruffled me) to three miles distance in the rear.

Thus, in my opinion, was a most glorious opportunity lost ; for what followed on both sides was only a distant, unmeaning, inefficacious cannonade ; and what has been so magnificently stiled a pursuit, was no more than taking up the ground which the British troops could not possibly, and were not (their principle being retreat) interested to maintain.

P. S. A thousand wicked and low artifices, during my trial, were used to render me unpopular. One of the principal was, to throw out that I had endeavoured, on every occasion, to depreciate the American valour, and the character of their troops. There never was a more impudent falsehood ; I appeal to my letters addressed to Mr. Burgoyne—to the whole tenor of my conversation, both previous and subsequent to the commencement of the present war, and to all my publications. It is true, I have often heavily lamented, as to me it appears, the defective constitution of the army ; but I have ever had the highest opinion of the courage and other good qualities of the Americans as soldiers ; and the proofs that my opinion was just, are numerous and substantial.

To begin with the affair of Bunker's hill. I may venture to pronounce that there never was a more dangerous, a more execrable situation, than these brave and unfortunate men (if those who die in the glorious cause of Liberty can be termed unfortunate) were placed in ;

they had to encounter with a body of troops, both in point of spirit and discipline, not to be surpassed in the whole world, headed by an officer of experience, intrepidity, coolness, and decision. The Americans were composed, in part, of raw lads and old men, half armed, with no practice or discipline, commanded without order, and God knows by whom. Yet what was the event? It is known to the world the British troops, notwithstanding their address and gallantry, were most severely handled, and almost defeated.*

The troops under the command of General Montgomery, in his expedition against St. John's, Chambly, and into Canada, who were chiefly composed of native Americans, as they were from the Eastern States, displayed, by his own account, in a letter I received from that illustrious young man, not only great courage, but zeal and enterprize.

The assault under Arnold, on the lower town of Quebec, was an attempt that would have startled the most approved veterans; and, if they miscarried, it cannot be attributed to a deficiency of valour, but to want of proper information of the circumstances of the place.

The defence of Sullivan's-Island, by Colonel Moultrie, might be termed an ordeal. The garrison was, both men and officers, entirely raw; the fire furious, and of a duration almost beyond example; their situation extremely critical and dangerous, for the rear was in a manner open; and, if General Clinton could, as it was expected, have landed on the island, there were no resources but in the last desperate resolutions.

With respect to the transactions on Long and York Islands, I must be silent, as I am ignorant of them; but, from some observations after I joined the army, I have reason to think the fault could not have been in the men, or in the common bulk of officers.

* The Colonels Stark, Prescott, Little, Gardner, Read, Nixon, and the two Brewers, were entitled to immortal honour for their actions on that day; but, according to the usual justice of the writers of newspapers and gazettes, their names have scarcely been mentioned on the occasion.

Even the unhappy business of Fort Washington, which was attended with such abominable consequences, and which brought the affairs of America to the brink of ruin, (when the circumstances are well considered) did honour to the officers and men, devoted to the defence of this worthless and ridiculous favourite.

The defence of Red-Bank, by Colonel Green, and Mud-Island, by Colonel Smith, forced a confession, even from the most determined infidels on this point, of the British officers, to the honour of American valour. I have often heard them allow, that the defence of these two places *were really handsome things—that no men could have done better*; which, from unwilling mouths, is no small panegyrick.

The victory gained by Stark, at Bennington, and the capture of Mr. Burgoine's whole army, by Gates and Arnold, are, above all, convincing arguments of what excellent ingredients, in all respects, the force of America is composed.

The detail of what passed lately on Rhode-Island is not yet come to my knowledge; but, from all I have been able to collect, the men and officers exhibited great valour and facility, as did their General, discretion, calmness, and good conduct. Upon the whole, I am warranted to say, what I always thought, that no disgrace or calamity has fallen on the arms of America through the whole course of the war, but what must be attributed to some other cause than to the want of valour, of disposition to obedience, or to any other military defect in the men, or the general mass of their officers in their different ranks; and I solemnly declare, that was it at my choice to select from all the nations of the earth to form an excellent and perfect army, I would, without hesitation, give the preference to the Americans. By publishing this opinion, I cannot incur the suspicion of paying my court to their vanity, as it is notoriously the language I have ever held.

I have been told, that one of the crimes imputed to me, is my entertaining a high opinion of the British

troops. If this is a crime, I am ready to acknowledge it. There were times, I confess, when the promulgation of such an opinion would have been impolitic, and even criminal; but in these times, it is notorious to the world that my conduct was the reverse. Every thing I wrote, every thing I said, tended to inspire that confidence in their own strength, which it was thought the Americans wanted; and it is believed, that what I said, and what I wrote, had no inconsiderable effect; but now, circumstanced as we are, I cannot conceive the danger, or even impropriety, in speaking of them as they deserve, particularly as their excellence redounds to the honour of America. I could not help, whilst I was prisoner, being astonished at the bad policy and stupidity of some of the British officers, who made it their constant business to depreciate the character of the Americans in point of courage and sense. I have often expressed my astonishment, making a very natural observation to them, that if the persuasion of their opponents' cowardice and folly were established in the world, the great merits they themselves pretended to must, at the same time, be utterly destroyed. That I have a very great opinion of the British troops, I make no scruple to confess; and unless I had this opinion of them, I do not see what ground I could have for my eulogiums on American valour. This is a truth, simple and clear as the day; but be it as it will, it is now most certain, let the courage and discipline of the British troops be as great as imagination can paint, there is at present no danger from either the one or the other. The dangers that now threaten, are from other quarters; from the want of temper, moderation, œconomy, wisdom, and decision amongst ourselves; from a childish credulity; and in consequence of it, a promptness to commit acts of the highest injustice on those who have deserved best at the hands of the community; but above all from the dæmon of avarice and monopoly now with his giant gait stalking the Continent, and devouring everything that falls in his way. In short

from the direct opposites to those qualities, virtues, and principles, without which it is impossible that the mode of government established should be supported for the tenth part of a century. These, I assert, are now the proper objects of our apprehensions, and not any real or supposed excellence in the armies of Great Britain, who has infinitely more reason to fear for her own independence, than to hope for the subjugation of yours.

General Clinton's letter, which has just appeared,* has so wonderful an accord with the above essay, that I make no doubt but that some acute gentleman may insinuate that it furnished the hint: but I can appeal to more than fifty gentlemen of this city, or officers of the army, to whom it was read, previous to the publication of General Clinton's letter, whether a single syllable has been added or varied, the conclusion of the postscript excepted, which has no reference to the affair of Monmouth.

A SHORT HISTORY OF THE TREATMENT OF MAJOR GENERAL CONWAY, LATE IN THE SERVICE OF AMERICA.

Philadelphia, December 3, 1778.

On Monday the 23d of November last, the honourable Major General Conway set out from this city, on his return to France. The history of the treatment this gentleman has received, is so singular that it must make a figure in the anecdotes of mankind. He was born in Ireland, but at the age of six was carried into France; was bred up from his infancy to the profession of arms; and, it is universally allowed, by the gentlemen of that nation, that he has, in their service, the reputation of being what is styled *un tres brave major d'infanterie*, which is no small character. It implies, if I comprehend the term right, a man possessed of all the requisite

* [Sir Henry Clinton's despatch (*ante*: Vol. II. page 461) was published in the *Pennsylvania Packet*, November 26, 1778; in the *New Jersey Gazette*, December 2, 1778.]

qualities to fill the duties of a general officer in the secondary line, but by no means ranks him among those favoured mortals to whom it has pleased God to give so large a portion of the ethereal spirit, as to render reading, theory and practice unnecessary ; but with the spectacle of this phænomena Heaven entertains the earth but very seldom ; Greece, as historians report, had but one ; Rome none ; England and France, only one each.* As to this hemisphere, I shall be silent on the subject, lest I should be suspected of not being serious. But be this as it may, it is past doubt that General Conway is a man of excellent understanding, quick and penetrating, that he has seen much service, has read a great deal, and digested well what he has read. It is not less certain, that he embarked, with the warmest zeal, for the great American cause, and it has never been insinuated, unless by those who have the talent of confounding causes, that his zeal has diminished. His recompense has been, What ? He has lost his commission ; he has been refused the common certificate, which every officer receives at the expiration of his services, unless his delinquencies have been very substantial indeed. And for what crime ? For none, by any law, or the most strained construction that can be put on any law. The reasons given are so far from being substantial, that they really ought to reflect honour on his character. It seems he has been accused of writing a letter, to a confidential friend, communicating an opinion, that the commander in chief was not equal to the great task he was charged with. Is this a crime ? The contrary. If it was really his opinion, it was decent, it was honest, it was laudable, it was his duty. Does it come under any article of war ? I may venture to affirm, that it

*Alexander ; Henry the fifth ; and the Prince of Conde. It may be disputed, however, whether these heroes were indebted to the gift of Heaven alone for their glories. Alexander served some campaigns under his father Philip, had Aristotle for his master. Henry, before he became king, distinguished himself in the civil wars against the house of Northumberland, and, if I recollect right, commanded in some expedition against the Welsh ; and the Prince of Conde had lessons from the great masters formed in the schools of the wars in the Low Country.

does not. God help the community that should be absurd enough to frame a law which could be construed into such a sense; such a community could not long subsist. It ever has been, and ever ought to be, the custom in all armies, not absolutely barbarians, for the officers of high rank minutely to canvass the measures of their commander in chief; and if his faults or mistakes appear to them many and great, to communicate their sentiments to each other; it can be attended with no one bad consequence; for if the criticisms are unjust and impertinent, they only recoil on the authors: and the great man who is the subject of them, shines with redoubled lustre. But if they are well founded, they tend to open the eyes of the Prince or State, who, from blind prejudice, or some strange infatuation, may have reposed their affairs in hands ruinously incapable. Does any man of sense, who is the least acquainted with history, imagine that the greatest generals the world ever produced have escaped censure? Hannibal, Cæsar, Turenne, Marlborough, have all been censured; and the only method they thought justifiable of stopping the mouths of their censors, was by a fresh exertion of their talents, and a perpetual series of victories. *Laissons parler ces bableurs, l'espere que nous leur fermerons la bouche a force des victoires*, was the answer of the king of Prussia to those worthy gentlemen, who thought to recommend themselves by informing him, that some of his measures were made very free with by certain officers in his army. Indeed, it is observable, that in proportion to the capacity or incapacity of the commander in chief, he countenances or discountenances the whole tribe of tale-bearers, informers, and pick-thanks, who ever have been, and ever will be, the bane of those courts and armies where they are encouraged, or even suffered. Allowing General Washington to be possessed of all the virtues and military talents of Epaminondas, and this is certainly allowing a great deal, for whether from our modern education, or perhaps the modern state of human affairs, it is difficult to conceive

that any mortal in these ages should arrive at such perfection ; but allowing it to be so, he would still remain mortal, and of course subject to the infirmities of human nature ; sickness or other casualties might impair his understanding, his memory, or his courage ; and, in consequence of the failure, he might adopt measures apparently weak, ridiculous, and pernicious. Now, I demand, supposing this certainly possible case, whether a law, the letter or spirit of which should absolutely seal up the lips and restrain the pens, of every witness of the defection, would not, in fact, be denouncing vengeance against those who alone have the means in their power of saving the public from the ruin impending, if they should dare to make use of these means for its salvation. If there were such a law, its absurdity would be so monstrously glaring, that we may hardly say, it would be more honoured in the breach than in the observance. In the English and French armies, the freedom with which the conduct and measures of commanders in chief are canvassed is notorious, nor does it appear that this freedom is attended with any bad consequences ; it has never been once able to remove a *real* great officer from his command. Every action of the Duke of Marlborough (every body who has read must know) was not only minutely criticised, but his whole conduct was dissected, in order to discover some crime, blunder, fault, or even trifling error ; but all these impertinent pains and wicked industry, were employed in vain ; it was a court intrigue alone that subverted him ; the low military cabals passed as the idle wind.

General Wolfe, with whom to be compared, it can be no degradation to any mortal living, was not merely criticised, but grossly calumniated by some officers of high rank under him ; but that great man never thought of having recourse to the letter or construction of any law, in order to avenge himself ; he was contented with informing his calumniators, that he was not ignorant of their practices, and that the only method he should take for their punishment, would be an active perseve-

rance in the performance of his duty, which, with the assistance of God, he made no doubt would place him beyond the reach of their malice. As to what liberties they had taken with him personally, he should wait till he was reduced to the rank of a private gentleman, and then speak to them in that capacity.

Upon the whole, it appears, that it never was understood to be the meaning of the English article of war, which enjoins respect towards the commander in chief; and of course it ought not to be understood, that the meaning of that article of the American code (which is a servile copy from the English) is meant to proscribe the communication of our sentiments to one another, on the capacity or incapacity of the man on whom the safety or ruin of the state depends; its intention was without doubt in part complimentary, and partly to lay some decent restrictions on the licence of conversation and writing, which otherwise might create a diffidence in the minds of the common soldiery, detrimental to the public service. But that it was meant to impose a dead, torpid, idolatrous, silence, in all cases whatever, on men, who, from their rank, must be supposed to have eyes and understanding, nothing under the degree of an idiot can persuade himself; but admitting in opposition to common sense and all precedents, the proceeding to be criminal; admitting Mr. Conway guilty of it, to the extent represented, which he can demonstrate to be false; in the name of God, why inflict the highest, at least negative punishment, on a man untried and unheard. The refusal of a certificate, of having honestly served, is considered as the greatest of negative punishments; indeed in the military idea, it is a positive one.

And I sincerely hope, and do firmly believe, (such is my opinion of the justice of Congress,) that when they have coolly reflected on the merits and fortunes of this gentleman, they will do him that justice, which nothing but the hasty misconstruction of a law hastily copied from another law, never defined nor understood, has hitherto prevented.

GEN. JOHN CADWALADER TO GEN. GREENE.

Philad'a, 5th Decem^r. 1778.

Dear Sir, '

I am much obliged for your concern for me *in a late affair*—It gives me great pleasure to hear my friends approve my conduct, as it would have added greatly to my uneasiness if it had been thought that my conduct proceeded from a turbulent Disposition.

Gen. Lee's tryal has been the subject of Conversation in all Companies for some time—Congress, I am told, have confirmed the sentence—three to one—I do not suppose he will ever serve again in our Army—I think it would have [been] better if he never had—

Mr. Dean's publication makes a great Noise—but this we are told is only a preface to what is to [follow] ever will be ambitious and

every country. No doubt we have [our] share of them—when Facts are well ascertained and the writer signs his Name the publication have double force—I should be very sorry to see the day when a member or a number of the members of Congress dare not be attacked—I, too, have the highest respect for the Body, tho' I know some men of the most infamous characters among them—One of the greatest grievances that occur to me, in the Army, is, the power Congress have of delaying the tryal, and final determination of the sentence of the C^t. Martial—By the management of a few, an officer may be kept out of command 'till he may loose every opportunity of distinguishing himself.

Gen. Arnold is become very unpopular [among the] men in power in Congress, and among those of this state in general—Every Gentleman, every man who has a liberal way of thinking highly approve his conduct—He has been civil to every gentleman who has taken the oath, intimate with none—The Ladies, as well those who have *taken an active part* (as our low-lived fellows will call it) as those who are good ap-

proved whigs, have been visited and treated with the greatest civilities—These are charges too absurd to deserve a serious answer—They may serve the purposes of Party or Faction, but can never injure the character of a man to whom his Country is so much indebted. Mifflin is ruined tho' he has bullied Congress. He is now turned Legislator and is insignificant in a minority. A man of his [changeable principles] will not surprise me
 him again at the head of
 affairs; tho' I am convinced he can never again attempt the military.

The Minister is a polite Gentleman and well calculated for the present barbarism of the Times. His knowledge of mankind makes him overlook, tho' I cannot help thinking he must see some men and measures in true Colours.

Where do you take Quarters for the Winter? I hope Mrs. Greene will be consulted—The amusements of Philadelphia I dare say would please her. I am just setting off on a visit to my family of little Fellows in Maryland—I shall be glad to hear from you when have leisure, and I now promise to be a more punctual Correspondent.

I am D^r Sir, with great esteem

Your most ob^t. humble Serv^t.

JOHN CADWALADER.

The Hon. Major Gen. Green,
 Camp.

Col. Laurens.

COL. WALTER STEWART TO GENERAL WAYNE.

Philad^a. Dec^r. 6th 1778.

MY DEAR GENERAL

Extract.—We have no news here but that Lee's and Schuyler's sentences are confirmed by Congress; this I believe, the former little expected, I imagine we shall see a number of his pieces in a short time in the

newspapers; but from what I can learn, believe he has two or three very serious accounts to settle shortly; would to God he was this minute relating the Battle of Monmouth in the other world, as I look upon him to be a very hurtful man in this. His complaisance to the officers is excessive, and does every thing in his power to gain their affections. What he aims at in this step I cannot conceive, as he knows most of them detest him.

FROM COLONEL H. BUTLER.

D^R. LEE,

I am now out of the service Major Fox succeeds me in the 38th & intend going to England by the first good opportunity; you may imagine how much I wish to see you before my departure. I have written to General Washington on the subject & represented to him that some private business relative to money matters between us makes it necessary that I should have an interview with you—If this should be denied me you will write to your friend in London relative to the Annuity we talked about and give him such directions as you shall think proper on that head, respecting the purchase you mentioned to me I must defer it for the present, and when I have settled my affairs at home I will write you more fully on that subject—My best wishes attend you

Affect^{ly} Yours

H: BUTLER.

Write to me by the first opportunity under cover directed for Genl. Leslie Staten Island who will forward your letter.

York, Dec. 11th 1778.

COL. JOHN LAURENS TO COL. ALEX. HAMILTON.

[December 1778.]

MY DEAR HAMILTON:

You have seen, and by this time considered, General Lee's infamous publication. I have collected some hints for an answer; but I do not think, either that I can rely upon my own knowledge of facts and style to answer him fully, or that it would be prudent to undertake it without counsel. An affair of this kind ought to be passed over in total silence, or answered in a masterly manner.

The ancient secretary is the *Recueil* of modern history and anecdotes, and will give them to us with candor, elegance, and perspicuity. The pen of Junius is in your hand; and I think you will, without difficulty, expose, in his defence, letters, and last production, such a tissue of falsehood and inconsistency, as will satisfy the world, and put him for ever to silence.

I think the affair will be definitively decided in Congress this day. He has found means to league himself with the *old faction*, and to gain a great many partisans.

Adieu, my dear boy. I shall set out for camp to-morrow.

JOHN LAURENS.

GENERAL WASHINGTON TO PRESIDENT REED.

Middlebrook, 12 December, 1778.

Extract. General Lee's publication in Dunlap's Gazette of the 3d inst., (and I have seen no other,) puts me in a disagreeable situation. I have neither leisure nor inclination to enter the lists with him in a newspaper: and so far as his production points to personality, I can and do from my inmost soul despise it

but when he has most barefacedly misrepresented facts in some places, and thrown out insinuations in others that have not the smallest foundation in truth, not to attempt a refutation is a tacit acknowledgment of the justice of his assertions; for though there are thousands who know how unsupported his piece is, there are yet tens of thousands that know nothing of the matter, and will be led naturally to conclude that bold and confident assertions, uncontradicted, must be founded in truth.

It became a part of General Lee's plan, from the moment of his arrest, (though it was an event solicited by himself,) to have the world believe that he was a persecuted man, and that party was at the bottom of it. But however convenient for his purpose to establish this doctrine, I defy him or his most zealous partisans to adduce a simple instance in proof of it, unless bringing him to trial at his own request is considered in this light. I can do more; I will defy any man out of my own family to say that I have ever mentioned his name after his trial commenced, if it was to be avoided; and, when it was not, if I have not studiously declined expressing any sentiment of him or his behaviour. How far this conduct accords with his, let his own breast decide. If he conceives that I was opposed to him because he found himself disposed to enter into a party against me—if he thought I stood in his road to preferment, and therefore that it was convenient to lessen me in the esteem of my countrymen, in order to pave the way for his own advancement—I have only to observe, that as I never entertained any jealousy of, or apprehension from him, so neither did I do more, than common civility and a proper respect to his rank required, to conciliate his good opinion. His temper and plans were too versatile and violent to attract my admiration: and that I have escaped the venom of his tongue and pen so long, is more to be wondered at than applauded; as it is a favour, that no officer under whose immediate commands he ever served has the happiness, (if happiness can be thus denominated) of boasting.

FROM THE SECRETARY OF CONGRESS.

DEAR SIR,

I had the honour of your two letters requesting a copy of the proceedings of Congress relative to your trial. I shall always deem myself happy in an opportunity of serving you. But if you desire anything more than the resolution confirming the sentence I should be much obliged if you would take the trouble to apply to Congress that I may not incur censure.

I am Sir

Your obedt. humble Serv^t

CHAS. THOMSON.

Dec^r 16, 1778.

TO THE PRESIDENT OF CONGRESS.

Philadelphia

Dec^r ye 17th 1778.

SIR

As I find that Congress have thought proper to confirm the Sentence of the Court Martial I hope I may, without impropriety, request to be indulged with the Minutes of the whole proceedings relative to this affair from which I shall be able to Judge on what principle I have been condemn'd, for at present I am utterly in the dark on this head.

I am, Sir, with the greatest respect,

Your Most Obed^t Humble Serv^t.

CHARLES LEE.

To His Excellency, John Jay.

President of Congress.

Mrs. Werts, Arch Str. between 2 & 3^d Str.

PROCEEDINGS OF CONGRESS.

In Congress, August 21st 1778.

The proceedings of the Court Martial on the trial of Major General Lee were laid before Congress,

Ordered to lie on the table for the perusal of the Members to be taken into consideration on Wednesday next.

On motion, *ordered* That one hundred copies of the proceedings of the Court Martial of the trial of Major General Lee be printed for the use of the Members.

Sept^r 7. 1778.

A letter of 4. from Major Genl. Lee was read enclosing the evidence of Major Clark, which he entreats may be laid before Congress.

Ordered That the evidence enclosed in Gen^l Lee's letter be not read, but returned to Major Genl. Lee.

Oct^r 9. 1778.

Ordered That Friday next be assigned for taking into consideration the proceedings and sentence of the Court Martial on the trial of Major Genl. Lee.

Oct^r 20th 1778.

Resolved That on Friday Congress will take under consideration the proceedings of the Court Martial on Major General Lee, immediately after reading the public letters and taking order on them and that all the members in town be summon'd to attend.

Oct^r 23rd 1778.

According to order Congress took into consideration the proceedings & sentence of the Court Martial on the trial of Major General Lee, and after debate

Ordered That the farther consideration thereof be postponed to Wednesday next.

Nov^r 30th 1778.

Resolved That Congress meet on Wednesday Evening at 6. o'clock to consider the proceedings of the Court Martial on the trials of Major Genl. Lee, Maj^r General Schuyler and Major General S^t Clair.

Dec^r 2. 1778.

6 o'clock P.M. Congress took into consideration the proceedings of the General Court Martial on the trial of Major Genl. Lee, whereupon a Motion was made

That the sentence of the general Court Martial upon Major Genl. Lee be carried into execution.

A motion was made for postponing—yeas and nays taken—

Passed in the negative

After farther debate adjourned.

Dec^r 4th. 1778.

6 o'clock, P.M. Congress resumed the consideration of the proceedings of the general Court Martial on the trial of Major General Lee and the motion made thereon.

When the question was about to be put the determination thereof was put off by the State of Georgia 'till to Morrow.

Dec. 5th 1778.

The determination of the motion which was yesterday postponed by a State was called for and on the question put, & the yeas & nays taken

Resolved That the sentence of the General Court [Martial upon Major General Lee be carried into execution and

Ordered that the resolutions of Congress on the proceedings of the general Courts Martial on the trials of Major General Schuyler and Major General Lee be published.

CHA. THOMSON,
Secretary.]

TO MAJOR GENERAL GATES.

Philadelphia Dec'r ye 18th 1778.

MY DR GATES—

Inclos'd is a letter for General Philips which after you have perus'd I beg you will deliver to him after the assurances of my respects (which are very sincere, for I like the man) You will perceive what is the intention of it—if your bond is necessary besides the bills—I beg you will give it and I will in return more than secure you on my lands. You have no doubt read my tryal—I send you in addition a paper I have since address'd to the public on the subject of the 28th of June—You must have heard likewise of the Congress having confirm'd this wise and equitable sentence—Upon my soul They are all of a piece—the motto of America now is—Bob will construe it—*Nemo de nobis unus excellat, et si aliquis extiterit, alio in loco, et apud alios sit*—for God's sake take care of yourself there is a mine under your feet, the train ready laid, the materials are heap'd up from self conceit arrogance ignorance and mean jealousy—inclos'd likewise is a paper on the subject of poor Conway's case—get it put in the Boston Papers if you can. I know not who wrote it, tho' the world is pleas'd to lay it to me—God bless you and your Family—my love to Mrs. Gates.

C. LEE.

Contrive to get from Mr. Hastings my fine mare—and take care of her.

TO MISS REBECCA FRANKS.

Philadelphia, Dec. 20th, 1778.

MADAM,

When an officer of the respectable rank which I bear is grossly traduced and calumniated, it is incum-

bent on him to clear up the affair to the world, with as little delay as possible. The spirit of defamation and calumny (I am sorry to say it) is grown to a prodigious and intolerable height on this continent. If you had accused me of a design to procrastinate the war, or of holding a treasonable correspondence with the enemy, I could have borne it: this I am used to; and this happened to the great Fabius Maximus. If you had accused me of getting drunk as often as I could get liquor, as *two Alexanders the Great* have been charged with this vice, I should, perhaps, have sat patient under the imputation; or, even if you had given the plainest hints, that I had stolen the soldiers' shirts, this I could have put up with, as the great Duke of Marlborough would have been an example; or if you had contented yourself with asserting, that I was so abominable a sloven as never to part with my shirt, until my shirt parted with me, the anecdotes of my illustrious name-sake of Sweden would have administered some comfort to me. But the calumny you have, in the fertility of your malicious wit, chosen to invent, is of so new, so unprecedented, and so hellish a kind, as would make Job himself swear like a Virginia Colonel.

Is it possible that the celebrated Miss Franks, a lady who has had every human and divine advantage, who has read, (or, at least, might have read,) in the *originals*, the New and Old Testaments; (though I am afraid she too seldom looks even into the translations :) I say, is it possible that Miss Franks, with every human and divine advantage, who might, and ought to have read these two good books, which (an old Welsh nurse, whose uncle was reckoned the best preacher in Merionethshire, assured me) enjoin charity, and denounce vengeance against slander and evil speaking; is it possible, I again repeat it, that Miss Franks, should, in the face of the day, carry her malignity so far, in the presence of three most respectable personages; (one of the oldest religion in the world, one of the newest;

for he is a new-light man; and the other, most probably, of no religion at all, as he is an English sailor;) but I demand it again and again, is it possible, that Miss Franks should assert it, in the presence of these respectable personages, "That I wore green breeches patched with leather?" To convict you, therefore, of the falsehood of this most diabolical slander; to put you to eternal silence, (if you are not past all grace,) and to cover you with a much larger patch of infamy than you have wantonly endeavoured to fix on my breeches, I have thought proper, by the advice of three very grave friends, (lawyers and members of Congress, of course excellent judges in delicate points of honour,) to send you the said breeches, and, with the consciousness of truth on my side, to submit them to the most severe inspection and scrutiny of you and all those who may have entered into this wicked cabal against my honour and reputation. I say, I dare you, and your whole junto, to your worst: turn them, examine them, inside and outside, and if you find them to be green breeches patched with leather, and not actually legitimate *sherry vallies*,* such as his Majesty of Poland wears, (who, let me tell you, is a man that has made more fashions than all your knights of the Meschianza† put together, notwithstanding their beauties;) I repeat it, (though I am almost out of breath with repetitions and parentheses,) that if these are proved to be patched green breeches, and not real legitimate *sherry vallies*, (which a man of the first *bon ton* might be proud of,) I will submit in silence to all the scurrility which, I have no doubt, you and your abettors are prepared to pour out against me, in the public papers, on this important and interesting occasion. But, Madam! Madam! reputation (as "Common Sense," very sensibly, though not very uncommonly observes,) is a

* A kind of long breeches reaching to the ankle, with a broad stripe of leather on the inside of the thigh, for the conveniency of riding.

† An entertainment given by General Howe just before the evacuation of Philadelphia, at which were introduced Tilts and Tournaments in favour of the ladies, of whom Miss Franks was one.

serious thing. You have already injured me in the tenderest part, and I demand satisfaction; and as you cannot be ignorant of the laws of duelling, having conversed with so many Irish officers, whose favourite topic it is, particularly in the company of ladies, I insist on the privilege of the injured party, which is, to name his hour and weapons; and as I intend it to be a very serious affair, I will not admit of any seconds; and you may depend upon it, Miss Franks, that whatever may be your spirit on the occasion, the world shall never accuse General Lee with having turned his back upon you. In the mean time,

I am, &c., Yours,

CHARLES LEE.

Miss Franks, Philadelphia.

P. S. I have communicated the affair only to my confidential friend ———, who has mentioned it to no more than seven members of Congress and nineteen women, six of whom are old maids; so that there is no danger of its taking wind on my side: and, I hope, you will be equally guarded on your part.

GENERAL ORDERS. (EXTRACT.)

Head Quarters Middlebrook, 22^d December 1778

At a General Court Martial, whereof Major General Lord Sterling was President, held the 4th of July last at Brunswick and other times and places afterwards by adjournment for the trial of Major General Lee, on the following charges:

First: For disobedience of orders in not attacking the enemy on the 28th of July agreeable to repeated instructions.

Secondly: For Misbehaviour before the Enemy on

the same day, by making an unnecessary, disorderly, and shameful retreat before the enemy.

Thirdly: For disrespectful behaviour to the Commander-in-Chief in two letters dated the 28th of June and the first of July.

The Court passed sentence on the case in the following words:

The Court having considered the first charge against Major General Lee, the evidence and his defence, are of opinion that he is guilty of Disobedience of Orders in not attacking the enemy on the 28th of June, agreeable to repeated instructions, it being a breach of the latter part of Article 3^d, Section 2^d of the Rules and Regulations of War.

The Court having considered the second charge against Major General Lee, the evidences and his defence, are of opinion he is guilty of misbehaviour before the enemy on the 28th of June by making an unnecessary and, in some instances, a Disorderly retreat, being a breach of the 13th Article of the 13th Section of the Articles of War.

The Court having considered the third charge against Major General Lee are of opinion that he is guilty of Disrespect to the Commander in Chief in two letters dated the 28th of June and 1st of July, being a breach of the Second Article of the Second Section of the Articles of War.

The Court do sentence Major General Lee to be suspended from any command in the Armies of the United States of North America for the term of twelve months.

The Honorable the Congress have been pleased to confirm the foregoing sentence as follows:

In Congress, the 5th of Dec^r 1778.

Resolved, that the Sentence of the Court Martial upon Major General Lee be carried into execution.

TO COLONEL JOHN LAURENS.

[December 22d, 1778.]

I am extremely sorry that the nature of my busyness should have laid an embargo on me so long—but as I now begin to apprehend from the delay of Congress that the ultimate determinations of my transactions with that Body will not require less than a month which is too tedious to think of I will do myself the Honour of meeting you attended by a Friend with a brace of pistols to-morrow [at] $\frac{1}{2}$ past 3. p. m. I would willingly bring a small sword at the same time, but from the effects of my fall and the quantity of Physick I have taken to baffle a fit of the Gout which I apprehended I do not think myself sufficiently strong on my legs—there is on the point and no point road, to the left hand a little on the Philad. side of the four mile stone a very convenient piece of wood, where unless it should rain I will do myself the honour of meeting you.

In the meantime I am Sir,
Your most Obedt. Servt.
C. L.

NARRATIVE OF A DUEL BETWEEN GENERAL LEE AND
COLONEL LAURENS.

24th December, 1778.

General Lee, attended by Major Edwards and Col. Laurens attended by Col. Hamilton, met agreeable to appointment on Wednesday afternoon half past three, in a wood, situate near the four mile stone on the Point-no-Point Road. Pistols having been the weapons previously fixed upon, and the combatants being provided with a brace each, it was asked in what manner they

were to proceed. General Lee proposed to advance upon one another, and each fire at what time and distance he thought proper. Col. Laurens expressed his preference of this mode, and agreed to the proposal accordingly.

They approached each other within about five or six paces, and exchanged a shot almost at the same moment. As Col. Laurens was preparing for a second discharge, General Lee declared himself wounded. Col. Laurens, as if apprehending the wound to be more serious than it proved, advanced towards the General to offer his support. The same was done by Col. Hamilton and Major Edwards under a similar apprehension. General Lee then said the wound was inconsiderable; less than he had imagined at the first stroke of the ball, and proposed to fire a second time. This was warmly opposed both by Col. Hamilton and Major Edwards, who declared it to be their opinion, that the affair should terminate as it then stood. But General Lee repeated his desire, that there should be a second discharge, and Col. Laurens agreed to the proposal. Col. Hamilton observed that, unless the General was influenced by motives of personal enmity, he did not think the affair ought to be pursued any further; but as General Lee seemed to persist in desiring it, he was too tender of his friend's honor to persist in opposing it. The combat was then going to be renewed; but Major Edwards again declaring his opinion, that the affair ought to end where it was, Gen. Lee then expressed his confidence in the honor of the gentlemen concerned as seconds, and said he should be willing to comply with whatever they should coolly and deliberately determine. Col. Laurens consented to the same.

Col. Hamilton and Major Edwards withdrew, and conversing a while on the subject, still concurred fully in the opinion, that for the most urgent reasons, the affair should terminate as it was then circumstanced. This decision was communicated to the parties and agreed to by them, upon which they immediately re-

turned to town; General Lee slightly wounded in the right side.

During the interview a conversation to the following purport passed between General Lee and Col. Laurens. On Colonel Hamilton's intimating the idea of personal enmity, as before mentioned—Gen. Lee declared he had none, and had only met Col. Laurens, to defend his own honour—that Mr. Laurens best knew whether there was any on his part. Col. Laurens replied, that General Lee was acquainted with the motives that had brought him there, which were, that he had been informed from what he thought good authority, that Gen. Lee had spoken of General Washington in the grossest and most opprobrious terms of personal abuse, which he, Col. Laurens, thought himself bound to resent, as well on account of the relation he bore to General Washington, as from motives of personal friendship and respect for his character. General Lee acknowledged that he had given his opinion against General Washington's military character to his particular friends, and might perhaps do it again. He said every man had a right to give his sentiments freely of military characters, and that he did not think himself personally accountable to Col. Laurens for what he had done in that respect. But he said he never had spoken of General Washington in the terms mentioned, which he could not have done; as well because he had always esteemed General Washington as a man, as because such abuse would be incompatible with the character he would ever wish to sustain as a gentleman.

Upon the whole, we think it a piece of justice to the two gentlemen to declare, that after they met, their conduct was strongly marked with all the politeness, generosity, coolness and firmness, that ought to characterize a transaction of this nature

ALEXANDER HAMILTON.
EV. EDWARDS.

Philadelphia, December 24th 1778.

TO GENERAL WASHINGTON.

Philadelphia Dec^r ye 24th [1778.]

SIR

Colonel Butler (whose letter Your Excellency had the kindness to transmit to me) is one of the oldest and dearest Friends I have in the world—my duty to so staunch a Friend, my inclinations and my interests concur to make me ardently desirous of having an interview with him before He embarks for England—I believe this Gentleman has an intention to purchase and settle in America—with your leave therefore I request the liberty of meeting with him, and that you will have the goodness to transmit the inclos'd to him, and remain with the greatest respects, Sir,

Your Excellency's most Obed^t humble Serv^t

CHARLES LEE.

His Excellency
General Washington.

PROPOSALS FOR THE FORMATION OF A BODY OF LIGHT
TROOPS READY TO BE DETACH'D ON EMERGENT OC-
CASIONS. [1778.]

Count Pulesky is certainly a good soldier or He is not—for my own part I believe him a very good one—in the first place He is a Polander whose genius is adapted to the light or expedite war—in the second place he has had much practice in the best schools—is undoubtedly brave and enterprizing—if He is not a good soldier as his corps is expensive He ought not to be retain'd—therefore it is expedient either to send him about his busyness entirely or to make the proper use of him—but on the supposition that He knows his trade, I wou'd propose the following scheme—that his legion shou'd be immediately compleated to [twelve]

hundred men—four hundred Cavalry and eight hundred light infantry—for these eight hundred infantry that a draft shou'd be made without loss of time from every Regiment of the Continent entirely of natives, not so young as to be unable to resist the fatigues of this sort of service, and but still of the proper age for violent exercise and forced marches—Major Lee who seems to have come out of his mother's womb a soldier, shou'd be incorporated in this Legion with the rank of Lieut. Colonel and to command specifically the whole cavalry—if Major Lee's corps (for I know their strength) will [not] added to the Cavalry Pulesky already has, compleat 'em to four hundred—let their be a draft made from the other Regiments of Cavalry—Moilands Blands and Sheldon's all Natives and the very youngest men because on Pulesky's principle of exercise (which I verily believe to be the best in the world) none but very young men are capable of being trained to the manœuvres—but [as] it is not certain that either Count Pulesky or Major Lee understand the detail of Cavalry (on which so much depends) let some Quarter Masters or Serjeants who have served in the British Cavalry (and there are many on the Continent) be found out, encourag'd with rank and emolument and employed—a Corps thus compos'd with brave and understanding Officers at their head, such as are Pulesky and Lee with a few subordinate officers knowing in the detail will render more effectual service than any ten Regiments on the Continent—it wou'd likewise put a stop for the future (or it ought to put a stop) to that odious pernicious practice of picking the best men from every Battalion on what are call'd extraordinary occasions—which practice has absolutely no other effect than disgusting the greater part of the Officers of the Army and rendering the whole dispirited and unfit for action. I cou'd quote a strong instance of the bad consequences of this custom—Some days before the affair of Monmouth, General Scott was detach'd with a Corps of pick'd men and officers to the no small disgust of those

who were left behind, who cou'd not help considering it as a sort of stigma on their characters—after this the Marquis of Fayette was detach'd with another [force] of one thousand pick'd out in the same manner—this Body now consisting of twenty five hundred men instead of falling on the Enemy's flanks did from some fatality absolutely nothing at all. I was afterwards order'd to march to sustain 'em with three scanty Brigades compos'd entirely of the refuse, and of this refuse I was under the necessity of forming my own guard on the day of the action of Monmouth—for the pick'd Corps by the blunders committed were so fatigued that They cou'd scarcely move their legs.

COL. ROBERT TROUP TO MAJOR GENERAL GATES.

Session Court House, Jan. 3rd 1779.

MY DEAR GENERAL,

We had the happiness of reaching Sussex the Day before Yesterday in the afternoon. You cannot conceive the difficulties we have met with on the Road. The People, of almost every House we stopt at, seemed to take pleasure in making our stay with them uncomfortable. I am sorry to add that the women were most impolite to Madam De Reidesel. They could not banish from their minds, the Notions they have imbibed, of the Cruelties our Prisoners have received. Some were afraid of being plundered by us, and others of being killed. One Young Girl, who had been lately married, cried & gnashed her Teeth, near two Hours, because I requested her to let Madam De Reidesel sleep in her Bed-Room, where she had a few Gowns, Petticoats, Pots & Trammels. Indeed such has been the Incivility of all Ranks & Degrees to us, that I have suffered the most painful anxiety ever since I left Cambridge. Madam de Reidesel, the General & his family have shewn me every mark of Complaisance &

Respect They & the Children were very well, a few minutes ago, when they set off for Easton.

The Militia Guard, that escorted the General's Baggage from Hartford to the York Line, broke open some of the Boxes & plundered them of several Dozens of Wine, a great number of Spermaceti Candles, & five Dozen Packs of Cards. As we were not with them we could take no steps to punish them. The General was so much displeased with their Conduct, that he wrote a Letter to General M^cDougall about them, who returned him a very polite answer, and furnished him with a Guard of Continental Troops to escort his Baggage to this Post.

General Phillips arrived here yesterday. He has been more fortunate than we were in getting teams at Hartford & Newbury. At the last Place we were detained three weeks before Teams enough could be collected for us. General Phillips is now in the Room, and begs to me to present his most respectful Compliments to you & Mrs Gates. Lieut. Campbell, if his Family get permission of Lord Sterling, to go to New York; but General Phillips cannot go by the way of Head Quarters, as he expected, because General Washington is now in Philadelphia.

Lord Stirling commands in New-Jersey, in the absence of General Washington, who I am told is to return in a Fortnight. Mrs. Washington is in Philadelphia and will spend the Winter with the General.

The army is halted at Middle Brook; and the officer, whom Lord Stirling sent to accompany Madam De Reidesel to Virginia, assures me that they are well pleased with their Quarters. Notwithstanding his assurances I must indulge my private opinion which, I am convinced, is not very different from yours.

Yesterday I saw a Gentleman I was acquainted with in Albany who had just come from Philadelphia. He brings no news from Europe; but says it is generally believed in Philadelphia that Parliament will acknowledge our Independence this Winter.—“*Exitus in dubio est.*”

Congress have confirmed the sentence of the Court Martial against General Lee, & he is suspended for a Twelvemonth. He has lately published a Piece in the Philadelphia paper which Col. Malcom had read, & pronounces extremely severe. His satyr is pointed particularly at General Washington & Family. I suppose this Piece occasioned the Duel which was fought the other Day by Gen^l. Lee & Col. Laurens, the A D Camp, in Philadelphia. My Albany acquaintance says General Lee was slightly wounded in the Body, and intends to have another Pop as soon as he recovers. I will give you a more full account of this matter when I am better informed than at present.

The spirit of Faction still continues to rage in Congress. For the Truth of this assertion let me refer you to a Publication of M^r. in the Fish-Kill Paper against the Lee Family. The enclosed Paper contains R. H. Lee's Answer, and many other Matters you will be fond of knowing. I hope therefore it will be acceptable.

Col. Malcom promised me to write to you. I fear he will resign. No Person has more reason to be disgusted. General M^cDougall removed him & his Garrison from West-Point. I have seen several letters which passed between them on the subject. Col. Malcom's are manly and spirited. M^cDougall's are couched in the humble style of a cringing, contemptible Scotchman.

I should have written to you from Fish-Kill but really I had nothing worthy of your notice.

I propose going to Morris Town Tomorrow. When I get at the end of my Journey I shall write to you again.

I beg you will remember me very affectionately to Mrs. Gates, Robert, & the Family.

I am, My Dear General With all possible

Respect & Esteem,
Your very humble Serv^t

ROB^t. TROUP

M. Gen. Gates.

FROM GENERAL ANTHONY WAYNE.

Elizth Town 7th Jan^y 1779.
8 o'clock a.m.

SIR,

The very severe Strictures which you were pleased to make on my Evidence in the Course of your trial on Acc^t of the Action of Monmouth,—& the ungenerous *tho' free* Manner in which you Affect to treat my Opinion & military Character in that and a late Publication in Mr. Dunlaps paper, gives a sensation much better felt than expressed.

If it was your Intention by these Strictures to Injure my Military Character in the eye of the World—I know you will have the Candor to acknowledge it & Honor enough to give me that Satisfaction which one Gentleman has a right to claim of an Other, feeling himself injured in so tender a point.

Mr. Archer who delivers this, will wait your Answer. Interim, I am

Your most Obt.

Hum^l Ser't.

ANTY. WAYNE.

Major General Lee.

DEAR SIR,

May I beg the favour of your delivering the Enclosed. It's only asking an explanation on a point in which I conceive my Honor, concerned—yours will not be Injured in the Execution of it.

You'll please to Request an Answer I shall be at Col^o Barber's Quarters. Gen^l Lee is at Doct^r Barnet's.

I am yours most sincerely

ANTY WAYNE.

7th Jan'y. 1779.

HENRY ARCHER, Esq.

TO GENERAL WAYNE.

Elizabeth Town Jan^y ye 7th 1779.

SIR :

That I should not have a right to shew (when my life fame and fortunes are at stake) the weakness of any opinions delivered by an evidence on the part of prosecution is left for the present humour of the times—you thought that we ought to have staid in a certain position—I think your opinion on this point extremely erroneous—and that had We adopted the measure of remaining We had been lost—this is sincerely my opinion and I certainly have a right to give it.

You have undoubtedly the same right to give your opinion and the reasons for your opinion for the contrary—if this is treating your military character with contempt I am guilty but in no other respect—I can honestly assure you that I have acted with the greatest candor towards you—on every occasion when you have been mention'd as the Author of my wicked prosecution (for so I must think it) I have totally exculpated you from the charge and have done justice to your courage and Integrity.

With respect to my publication in Dunlap's paper—I give you my word and honour that any further than condemning the position you seem'd to approve of, I never had you or any one of the Evidences in my thoughts—perhaps you have conceived some expressions made use of in this paper as alluding to you, when they alluded to the proceedings of the Court, which you will see in some strictures I shall soon publish. I will now seriously conjure you well to consider whether the step you are now taking will not hurt you more in the opinion of the world than anything I have said—however if you still persevere in your intention—as soon as I have taken final leave of Congress, publish'd my case to the world at large, and am sufficiently recover'd from my late accident to act with vigor I

will not decline your invitation—altho' at the same time expressing my concern that a man of your courage and, I believe firmly, integrity shou'd appear in the list of Persecutors of a man already too much persecuted for the honour of this country which venture to s[ay he has] twice saved from destruction by is now the object of general s abuse and every injurious treatment in the mean[time I am]

Sir, your m[ost obedient] Serv^t

CHARLES LEE.

FROM GENERAL WAYNE.

Elizabeth Town 7. Jany 1779.

SIR:

That you have a right to differ in opinion with me or any other Gentⁿ (in a point where your life, fame, and fortunes are at stake) I readily grant, and that you have also a right to *Condemn* any position which in your opinion was Improper—but I must still be permitted to think that you had no right to take such free liberty, in other Instances, with the Military Character of a Gentⁿ who never Injured you farther than as evidence with regard to the transactions of that day—

You do me great injustice when you place me in the list of your *persecutors*—I shou'd be the last man in this country that would be guilty of so great a piece of cruelty—unless it be deemed *Persecution* to ask redress for my Injur'd Character.

I very sincerely lament the illiberality of some persons (who may be truly called Persecutors) that have attacked your character in the *Public papers* in an unwarrantable and unmanly manner, to give it no harsher terms—and I most ardently wish my feelings had never been hurt by a Perusal of them.

“When you have taken your final leave of Congress, published your case to the world and sufficiently Re-

covered from your late accident to [*act*] with *vigor*." I shall expect & be happy to hear from you.

Interim—I wish you every Comfort, and am
Your most obt. Hble servt.

ANT^y WAYNE.

Major Genl. Lee.

ADVERTISEMENT.

January 12. 1779.

Lost or stolen, on the seventh instant, a small English Spaniel DOG, the grounds of his colour is a very shining white, his ears mark'd with yellow; as likewise two or three yellow broad spots on his side and rump, his tail extremely bushy; had on a brass collar with General Lee's name. Whoever will bring him to Capt. Clunn's, at Trenton; to M^r Clarkson's, at Brunswick; Mr. Stockton's, at Princeton; to M^r De Hart's at Elizabethtown; to General Knox, at Pluck'emin, shall receive Twenty Dollars reward.

FROM GOVERNOR WILLIAM LIVINGSTON.

Brunswick 16th January 1779.

Sir,

I am honoured with your favour of the 13th and can assure you that of the merit or demerit of your conduct in the affair of Monmouth on the 28th of June, I have not to this day framed my opinion. I have so little leisure to attend to the military operations of America, and am so incompetent a judge of the qualifications necessary to constitute the character of a General that I make no judgment at all. But without admitting or denying that "you have made greater sacrifices in the cause of American freedom than any officer of our whole

army without a single exception, & that it is not less certain that you have saved our whole army more than once from destruction " (the proofs of which are not in my possession) I can assure you that I heartily disapprove of all publications containing personal reflections on the character of any Gentleman, & especially on those of your rank in the American Army. And if what was presented to the public as a meer republication of a paper formerly printed by a Virginian [Tory] has been as you say republished with many malicious alterations & additions, it is still the more inexcusable; —because all such alterations and additions, besides their particular malignity against you (for which alone I should condemn them) are an imposition upon the world, and must be considered by every man of honor, be the legal construction what it will, as a downright forgery. I can farther assure you that I cannot but disapprove of Mr. Collins's inserting the paper you refer to, in his Gazette, not only because no printer ought to make his press a vehicle for personal slander, but because he set out with a professed declaration against diverting his paper to such purposes and has so tenaciously adhered to that maxim 'till the publication in question, as to reject, if my information be true, several pieces on account of the personal reflections they contained on Gentlemen in the service of the Enemy, & which the Law of retaliation would clearly have warranted him to insert. And I must declare in justice to him, & from what I personally know of his humane disposition, and his disinclination to convey thro' the channel of his press anything injurious to the reputation of others, that I firmly believe he has taken the paper presented to him as a copy of a publication in Virginia, for a true copy. And it is generally supposed, by virtue of what Law I know not (but perhaps by one as rational as that of deciding controversies by private combat in civil communities which reprobate that mode of decision) that a printer by the bare republication of a paper is not presumed to adopt the sentiments, & that by disclosing to the

party aggrieved, at whose instance it was republish'd he always averts the indignation of the sufferer from himself, to that person. I should however be very sorry to find any of our printers imitate the practice of the British subjects in New York, who whether they excel us in military discipline and courage or not, have to my certain knowledge, hitherto surpassed us in printed calumny & detraction.

From these my sentiments respecting the Printers of defamatory papers, I hope Sir, you will not question my disapprobation both of the original authors & the secondary propagators of slander. But neither Mr. Boudinot's appointment to, nor deposition from, his office as Commissary of our State prisoners, being in my department, it is not in my power to do you the justice which you seem to expect in that line. Nor is there any authority in this State by which he can be cashiered 'till the next meeting of our Assembly which stands adjourned to the 19th of May. But the Law of the State is always at every one's service, and in the case of libels, if we are to credit the British Lawyers, so peculiarly favourable to the prosecutor, that the scandal is not the less penal for being true, than if it was utterly false; which I think is giving a man as great a chance as can reasonably be desired, and perhaps if you thought proper to publish your letter to me on the subject under consideration, it would be as ample satisfaction against Mr. Boudinot as the nature of the offence requires, but that I entirely submit to your better judgment. In a word Sir, whenever it shall be pointed out to me in what manner I can with any propriety interfere in the matter, either as Governor of this State, or as a private Gentleman I shall not hesitate a moment to do you all the justice, which I conceive you deserve. In the meantime I embrace this opportunity to re-acknowledge my grateful sense of your friendly intimations sometime since of the Enemy's peculiar resentment against me, and your kind concern for my personal safety upon that account. I must however take the liberty to say as a man de-

tached from all parties, & wholly devoted to what he thinks the true interest of his Country, that I should be extremely unhappy in having reason to believe, what is frequently & perhaps injuriously reported of you, that you endeavoured to lessen the estimation in which General Washington is held by the most virtuous Citizens of America; and which estimation, not Sir, from a blind attachment to men of high rank, nor from any self interested motive whatsoever, but from a full conviction of his great personal merit & public importance, I deem it my duty to my country, to use my utmost influence to support. I am

With all due respect, Sir

Your most humble Serv^t

WIL: LIVINGSTON.

Major General Lee.

NEWSPAPER ARTICLE REFERRED TO IN THE FOREGOING LETTER.

[New Jersey Gazette. (Vol. I. N^o. 56) Dec. 31. 1778.]

MR COLLINS,

The attempt of a certain General Officer lately condemned by a Court Martial for his mal-conduct, to raise a party in his favor, by calling in question the abilities not only of our illustrious Commander in chief, but that of all our General Officers—has justly raised the indignation of every honest man—His publications are an insult to America. It is a degree of vanity without a parallel, even to hope to raise himself into importance, by affecting to be a competitor for popularity with that great and good man. There is no more similarity between their characters than there is between virtue and vice—good and evil—And he may assure himself that before he can raise a party in America in his favor, he must first deprive the people of their senses, and teach them that light and darkness are synonymous terms. But as the character of this genius appears to be partic-

ularly delineated in an old Virginia paper of the year 1775, I send it you, and desire you will republish the same in your useful Gazette. It is true, the writer of this piece appears to be a tory; yet truth spoken by an enemy, is notwithstanding truth still, and the conduct of that officer since that period fully verifies the character.

A. B.

To the Printer of the Virginia Gazette.

SIR,

The dispositions of the human mind are as various as the human countenance, and it is said every man's character may be viewed in as many different lights as his face. A certain wandering being has just made his appearance in this country, and however multifarious the talents and features of this genius are, I will attempt to delineate them. *Nature has not given him a face to belie his heart—sharp canine eyes—a large, luminous, aquiline nose—a hard visage—a livid complexion—a sour, restless, discontented countenance form no bad index to the soul within.* This man is by profession what is called a MERCENARY soldier, that is, a man who is altogether void of principle, who never consults conscience, but is ever guided by interest in his pursuits, and changes sides for one more farthing more added to his pay. It is difficult to ascribe any other motive of conduct to our hero than avarice—avarice has got possession of him before her time and though not past the middle age of life, he is a miser of eighty—though an epicure by inclination, was it not for the hospitality of the Americans, he would starve himself to death to save his money; and from this cause in his rambles, his body suffers much by his abstinence. Yet he contradicts the poet when he says,

— One master passion in the breast
Like Aaron's serpent swallows up the rest.

For our Hero with this sordid quality, which is com-

monly deemed sufficient ballast against levity, has in him a spice of quixotism, to account for which, would require some astronomical knowledge in the system of a neighboring planet, under whose influence the nativity of our hero is supposed to have existed. He is an ever constant attendant of the DAEMON OF DISCORD, and has run over the whole world in search of her 'till he found her in Poland—a most ample theatre to glut his diabolical passion—he first engaged with the mal-contents, then entered into the service of the unhappy sovereign of that country as a Colonel, but the distress of his Majesty being too great to satisfy the rapacity of the MERCENARY, he quitted that service, but prevailed with his majesty to confer upon him the nominal honor of a General before his departure, being indebted for this piece of civility, to a vehement desire of getting quit of him. After this he offered his services to the Russians and alternately to the Turks, but being disappointed in all quarters, he returned without laurels or profit, sullen and discontented, to his native country, with however some hopes of preferment there. These were soon blasted—his worth was too well known, for him to rise beyond the common road of promotion. The unhappy dissensions with America, afforded him a pleasant prospect, he hies him immediately to that quarter—They have placed this APOSTATE at the head of their armies. What glorious success may not be expected from their choice! Fascinated as they are, they may be delivered over bound to those they are in arms against, in order to secure the future peace of the MERCENARY and not to belie the uniformity of his character, when the alarm of THE PHILISTINES ARE UPON THEE will be too late. This man calls himself a patriot, and his audacity in assuming this character, can only be equalled by the credulity of the deluded multitude he imposes on—destitute of every component quality of patriotism, what claim can he have to that honorable title? He is a perfect * Samnite in his hatred of mankind and his love

* Vide, Plut. Vit. Cæs.

of dogs, sordid and covetous to extreme, void of religion, honor, truth, or friendship. Compare him with the famous villain of antiquity—Cataline, was a contemner of the gods, profligate in his morals and a parricide of his country; here the parallel breaks, for he was also profuse in his expenses, a lover of women, true and steady in his attachment to his favourites, and withal graceful in his appearance, and good natured in his manners. In his frantic fits our hero affects the Alexander.* Alas! vain weak man! how soon will thy dreams be at a Period? A Gordian Knot placed by a hand inferior to a deity's will baffle all thy powers of art. You have nothing now but to exclaim with the hero of Milton,

So farewell, hope! * * *
Farewell remorse! all good to me is lost!
Evil! be thou my good. * * *

You've fairly become a candidate for infamy
Ravish'd with the whistling of a name,
See Cromwell damn'd to everlasting fame!

But even this damn'd fame you will not attain to. As your life will prove dishonorable to yourself, so posterity will not be emulous of drawing honors from so ignominious a source—The tomb of oblivion will be the best record of your epitaph.

SCOURGE.

FROM MAJOR EVAN EDWARDS TO ISAAC COLLINS.

[N. J. Gazette (No. 60) Jan. 27. 1779.]

M^r. COLLINS,

In your Gazette of the 30th of Dec^r. there appeared an attempt against General Lee's character, as wicked in its intentions as false in its assertions; whether the sterility of the brain obliged, or the villainy of the heart induced the author to adopt the rascally production of

* See the letter to General Burgoyne.

a mercenary retainer of Lord Dunmore's, so famed for his enmity to this country, the public must judge.

But the original composer of this calumny is comparatively a man of sense and candor, because it is obvious his motives were to answer a political purpose, whereas the motives of your correspondent could at best be but a pitiful attempt to blast the character of a man who has sacrificed his friends and voluntarily staked a solid independent fortune on the fate of the liberties of a people, for whom, if he was as avaricious as he is in defiance of notorious facts represented to be, and his most sanguine expectations answered, he could not possibly expect a recompense equivalent to what he deprived himself of.

The hero of this performance, in order to give credit to his scandalous *libel*, has artfully taken it up upon the wild supposition that General Lee aims at shaking the confidence of the people in General Washington. This from the long personal acquaintance I have had the honor of having with General Lee, is equally as false as the sequel; but even admitting it to be true, does it prove him to be a *scoundrel*, a *villain*, a *Cataline*, a *Samnite*, a penurious wretch that would change sides for a farthing more added to his pay?

I am conscious every man who is a friend to this *community*, a friend to *virtue* or *justice*, and every man who would reprobate Genl Lee in any attempts to depreciate so valuable a character as General Washington's, must despise the rancorous villain, who, from the baseness of his soul, could be capable of composing, or instrumental in publishing such *false*, such *dastardly*, and such *malignant* calumny.

Your's

EVAN EDWARDS.

January 15th 1779.

TO MISS REBECCA FRANKS.

Philadelphia, Jan. 28th, 1779.

MADAM,

Nothing has happened to me of late, that has given me more concern than the serious light in which I am told you are persuaded to consider the harmless jocular letter I wrote to you; I say, persuaded to consider; because on the first receipt of it, when you were directed by your own excellent understanding alone, you conceived it as it was meant, an innocent *jeu d'esprit*.

I do not mean to compliment, when I assure you, upon my honour, that it was the good opinion I had of your understanding which encouraged me to indulge myself in this piece of raillery, which in effect, is not in the least directed against you, but against myself and a few others; if it contains any satire, you are obviously the vehicle, not the object.

My acquaintance with you is too slender to admit of my taking any liberties which border on familiarity; and unless I had been taught to believe, that the liberality of your mind and cheerfulness of your disposition were such that you would be pleased with any effort to make you laugh for a moment in these melancholy times, I declare upon the word of an honest man, if I had thought a single sentence of this trash could have given you uneasiness, I would sooner have put my hand into the fire than have written it. Thank God, I have not that petulant itch for scribbling, or vain ambition of passing for a wit, as to

Give virtue scandal, innocence a fear,
Or from the soft-ey'd virgin steal a tear.

And, to speak my real thoughts, I am thoroughly persuaded, that you must suffer yourself to be biassed by people infinitely your inferiors in capacity; and if you really are offended by what nobody, who is not below mediocrity in understanding, can mistake for any thing

but an harmless joke, founded on the good opinion of the person to whom it is addressed, I confess I have been much deceived in you. I must, therefore, think that by consulting yourself alone, you will consider it in its proper light, and believe me to be, with the greatest respect,

Madam, Your most obedient,
And very humble servant,
CHARLES LEE.

Miss Franks, Philadelphia.

FROM COL. WALTER STEWART TO MAJ. GEN. GREENE.

Williamsburgh January 29th. 1779.

MY DEAR GENERAL,

I had the pleasure of addressing you from Fredericksburg which hope you received safe, in [which] I mentioned my apprehensions for the army on account of provisions; the farther we travel South the greater we find the distresses of the People for Corn and Bread: and every Article much higher in price; I am Happy to find Congress have or[dered] so large a Sum to be in Taxation this [year]. That and calling in the two emissions of I am in hopes will at least give a check to this rapid depreciation which has unfortunately taken place all over the Continent.

The affair between Mr Deane and the Lees has occasioned much conversation in this Country, [we] found the People as low down as Fredericksburgh possess'd with very Just Ideas of those men and their Colleagues in Congress; but Richard Henry with a few Adherents have been very busy between that place and Williamsburgh, the People heard but one Story, and were from their Old Attachments to the Lee family willing to believe it, however Col. Ball and Myself have been equally Industrious in placing things in a proper light, and I flatter myself the day is not far distant when the Junto

will receive a Severe Shock by being depriv'd of one of the most Artful, designing and Wicked men the Country stands Curs'd with; I mean Richard Henry. It is amazing to hear of his Artifice in this State to support a Popular Character, but the Peoples eyes are now Open'd and I doubt whether his Oratory & Weeping, will again bring Tears and Lamentations (as Usual) for his sufferings from the Assembly; they have ever been Infatuated when held forth to them, for whatever he said they were sure to believe.

He has been very Industrious to make the Inhabitants of this Country Imagine that General Lee was the Salvation of our Army at Monmouth; No Circumstance has ever pleas'd me so much as my having been under his command that day, I have an opportunity of contradicting that Assertion with propriety; as I can safely declare it an Infamous falsehood, they had likewise heard he had been in the heat of the Action, and that he supported it for a length of time until the command was taken from him by his Excellency; this every officer who was in the field that day knows to be false, and that he never intended to fight is equally clear to me by his asking Gen. Wayne, Why he had his men drawn up in front of the Enemy's Artillery and Cavalry? I am sorry to trouble you so much on this subject, but it is one which nearly concerns the Army and the Continent in General. It shocks me to find those men have even an advocate when those advocates know them oppos'd to the Interest of our Worthy General.

Williamsburgh I find to be the most Unsociable and least Polite place I have been in, in Virginia; but the Governor is so meer and pays so little attention to the officers of the [Army] that I don't Wonder People who are naturally Inclined to, should follow his Example. We have been here two days, and only remain to dine with Old Ennis and a Mr. Tazewell, whom I came particularly recommended to. I find the old Continentals stick together wherever we meet—it makes me happy to see it the case.

Poor Ball has not been so successful and he could have wish'd. Old M^r Taylor unfortunately heard
 had suffer'd a little last Campaign in Wars
 of Venus; this and his having a son to distress
 her so much, that she has persuaded her daughter to
 cast him off; I am happy to inform you it has not en-
 tirely broken his Heart.

We set off tomorrow for James River, and shall
 push as Expeditionously as possible to Petersburg, from
 thence to Fredericksburgh and hope to reach the Army
 early in April.

I beg my respectful Compliments to Mrs. Greene,
 his Excellency, and all friends in Camp. You would
 be mightily pleas'd with the General's mother who is
 really a sweet Old Lady. I am Just Inform'd a vessell
 is Arriv'd at York loaded with 200 Hhds. Sugar, 200
 Rum and a rich Cargoe of other Articles to the address
 of Mr. Deane. I am my D^r Genl. your affect^e friend

W. STEWART

The Honourable Major General Greene
 Quarter Master General to ye American Army,
 at Head Quarters New Jersey.

Endorsed "from Col. Walter Stewart 29th January 1779. No. 11. Bat-
 tle of Monmouth Intrigue of R. H. Lee against Gen W."

FROM WILLIAM HENRY DRAYTON.

Philadelphia, Feb. 3d, 1779.

SIR,

My colleague, Mr. Hutson, hath this day mentioned
 to me, a conversation you had with him, in which you
 expressed yourself as injured by a misrepresentation of
 your conduct immediately preceding your captivity by
 the enemy, in a charge I had the honour to deliver, as
 Chief Justice, to the Grand Jury of Charlestown, South
 Carolina.

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I must inform you, Sir, that, on the one hand, I have been repeatedly assured the representation I then made was a true one; and that, on the other hand, I have also been assured, that it was not founded on fact; and that, immediately upon this latter assurance in South Carolina, I took that step which was most likely to lead me to a certainty on the subject, with the avowed design, that if I had injured your reputation, I might be enabled to make the most ample reparation; but I did not receive the necessary materials. Those sentiments of propriety which dictated the first advance on my part then, to acquire them, now dictate a like conduct when another opportunity seems to open itself for my arriving at truth, and to do that justice which the case may require. And I do assure you, that if I can be enabled to declare, that you did not violate the orders of the commander in chief, respecting your junction with him, when he had retreated to the Delaware in 1776, I shall not only do so in the most pointed terms, but beg your pardon for having through error and misrepresentation, published the contrary.

To this purpose I wrote to Major Eustace on the 6th of January 1778, when I was in Charlestown, and had no prospect of coming to this part of the Continent; and a copy of the correspondence between him and myself on the occasion I will lay before you, if you desire to see it.

Those principles of honour which must make you feel an injury, make me feel even an idea of having done an injury, and impels me to make a reparation where it is due.

I am sir,

Your most obedient Servant,

WM. HENRY DRAYTON.

Major Gen. Lee.

TO WILLIAM HENRY DRAYTON.

Philadelphia, Feb. 5th, 1779.

SIR,

I should have done myself the honour of answering your letter yesterday, but was prevented by a variety of business. If I have violated any orders of the commander in chief, to him, and the Congress only, am I responsible; but certainly am not amenable to the tribunal of Mr. William Henry Drayton. I shall therefore remain entirely indifferent whether you are pleased to think or dream that I designedly threw myself into the hands of the enemy, or whether I was not taken by a concurrence of unfortunate circumstances such as happen in the course of all wars. The only remark I shall make on your extraordinary requisition, that I should clear myself on this point to you simply, Mr. William Henry Drayton, whom I consider but as a mere common member of Congress, is, that you pay a very ill compliment to the General. You must suppose him either miserably deficient in understanding, or in integrity as a servant of the public, when you suppose that he would suffer a man, for a single day, to act as his second in command, whom he knows to be guilty of such abominable military treason. This ingenious supposition, therefore, is, in my opinion, a greater affront to the General than to myself.

I am sincerely concerned that my friend Eustace should have degraded himself so far as to enter into any discussion of this matter with Mr. William Henry Drayton; and I shall reprimand him for not understanding his own dignity better. I shall now only take the trouble of adding, that if you can reconcile your conduct in stepping out of the road, (as I am informed you did in your charge to the grand jury,) to aggravate the calamities of an unhappy man, who had sacrificed every thing to the cause of your country, and as he then conceived, to the rights of mankind; who

had sacrificed an ample, at least an easy and independent fortune, the most honorable connections, great military pretensions, his friends and relations: I say, if you can reconcile your stepping out of the road to aggravate the calamities of a man who had notoriously made these sacrifices, and who, at the very time you was displaying your generous eloquence, had no less than five centinels on his person, and was suffering extremely in body and mind—If you can, I repeat, reconcile such a procedure to common humanity, common sense, or common decency, you must still be a more singular personage than the public at present consider you.

I am, Sir

Your most obedient,

Humble Servant,

CHARLES LEE.

William Henry Drayton, Esq.

FROM WILLIAM HENRY DRAYTON.

Philadelphia, Feb. 8th, 1779.

SIR,

At nine o'clock last night, I received yours of the fifth instant, in answer to mine of the third. But, as I have neither time or inclination to enter into a competition, whether Mr. Charles Lee, or Mr. William Henry Drayton, can raise the most ingenious supposition, say the keenest thing, and pen the most finished period with parenthesis; nor ambition to correspond with you in your simple character of Mr. Charles Lee, whom I cannot consider but as legally disgraced for being guilty of abominable military treason against a community of the most liberal, just, and generous, and, I must add, merciful people on the face of the globe: I say, perfectly satisfied with my simple character of Mr. William Henry Drayton, "a mere common member

of Congress," and "a mere Chief Justice of South Carolina," I shall do myself the honour, out of breath as I am with parentheses, to make only one observation in reply, absolutely terminating the correspondence on my part, that I verily believe we equally remain entirely indifferent with respect to what either is "pleased to think or dream." And now, finally taking my leave of Mr. Charles Lee, with common decency from respect to my simple character,

I subscribe myself, Sir,

Your most obedient Servant,

WM. HENRY DRAYTON.

Major Gen. Charles Lee.

EXTRACT FROM RIVINGTON'S NEW YORK ROYAL
GAZETTE OF THE 17TH FEB^y. [1779].

[This article was reprinted in the *Pennsylvania Packet*, March 6, 1779, with the following introduction:

"Philadelphia, February 26.

"MR. DUNLAP, SIR,

"Be pleased to give the following extract from a New-York Gazette of the 17th instant, a place in your useful and I hope, impartial paper. While it breathes a spirit of candor and liberality of sentiment towards injured merit, it may serve to convince the discerning public, that *those men* in this city, who are now laboriously exerting their small talents to degrade the most meritorious servants of this country, are putting two-edged swords into the hands of the "Common enemy," that may, in the sequel, cut in sunder the *nerves of liberty*. I am, Sir,

"Your constant reader, &c.

A GRATEFUL AMERICAN."]

The Eminent Services performed for the Rebel Congress by Major General Arnold, an officer more distinguished for valour & Perseverance than any Commander in their Service, are in a fair way of being requited in Terms similar to those of Major General Lee, whose Arrangements and Counsel in several critical situations had rescued their Commander in Chief with his whole Army from impending Destruction; The Executive Council of Pennsylvania having on the 3rd Instant

published Articles of Impeachment for illegal and oppressive Conduct against Mr. Arnold, ordering him to be prosecuted by their Attorney: Major M. Clarkson, Aid de Camp to the accused, has published an address desiring a Suspension of the public opinion, declaring that the Charges brought against him by the Council shall be refuted when the Prosecution is brought forward, and the *History* of the *grounds* and *rise* of the whole transaction faithfully and impartially laid before the Public. General Arnold heretofore had been stiled another HANNIBAL, but losing a Leg in the Service of the Congress, the latter considering him unfit for any further Exercise of his military Talents, permit him thus to fall into the unmerciful fangs of the Executive Council of Pennsylvania—Mr. Joseph Reed, President.

ORDER OF CONGRESS.

In Congress Feb^{ry} 22. 1779.

Ordered That the president forward to Major Gen^l. Lee the letters directed to him and inform him that Congress have no doubt but he will explain the transaction therein mentioned.

Extract from the Minutes.

[CHARLES THOMSON,
Secretary.]

Endorsed in General Lee's autograph: Polly Morris at Mrs. Thompsons in Sugar Alley.

DRAFT—TO THE PRESIDENT OF CONGRESS.

Philadelphia, Febry y^e 26th, [1779.]

SIR—

I find by a note from Mr. Secretary Thomson that Congress desire I wou'd explain the history of the

letters from General Leslie and Capt. Totty and the bills—it is this Sir—some weeks I receiv'd a letter from his Excellency General Washington with one inclos'd from Colonel Butler—entreating me to meet him on the lines at Elizabeth Town Point that I might settle some affairs relating to our private affairs before he sail'd for England—You must know Sir, that Colonel Butler is the most intimate friend I have in the world, that We were bred up together from eight years old—it was He who furnish'd me with no small sum for my expenses at N. York, it was with him I liv'd—with General Washington's leave I set out in hopes of meeting my Friend—and from Elizabeth Town supposing him still at N. York I wrote an open letter thro' the hands of Gen. Maxwell desiring him to bring me a pound or two of Tea a new hat and three hundred pounds in money—in answer to this letter I receiv'd a very civil note from General Leslie informing me of Butler's departure but that with S'r Henry Clintons consent He wou'd endeavour to procure me the money if I wou'd draw the bills and send 'em in which I accordingly did by Colonel Baylor and likewise wrote a letter of thanks to General Leslie which I read to General Maxwell but I should not have taken this step had I not some time before consulted M^r. Morris then member of Congress and I believe but am not sure some other members with respect to the propriety of the measure—who assur'd me that there was no impropriety in it—this, Sir, is the whole history—this Capt. Totty is a Cousin Germain of Colonel Butler's and likewise a very intimate Friend of mine, and I perceive He has taken the affair into his hands to serve me.

TO THE PRESIDENT OF CONGRESS.

Philadelphia, [February 26th, 1779.]

SIR—

I find by a note from Mr Secretary Thompson that Congress are desirous of my explaining the history of the letters from General Leslie and Captain Totty with the bills—the history is this—some weeks ago I received a letter from General Washington with another inclos'd from Colonel Butler, entreating me to meet him on the lines at Elizabeth Town Point that I might settle some private affairs and money transactions, before He set sail for England.—You must know, Sir, that Colonel Butler is the most dear and intimate Friend I have in the world. We were from eight years of age bred up together—it was He who furnished me with no small sum, not less than eleven hundred Guineas for my expences during my captivity at New York and it was with him that I liv'd after I was enlarg'd on my parole—With His Excellency General Washington's leave, I therefore set out in hopes of meeting my Friend—and from Elizabeth Town supposing him still at New York, I wrote to him an open letter through the hands of General Maxwell requesting him to bring me out a pound of Tea, a new hat and three hundred pounds in money—in answer to this letter I received a very civil note from General Leslie informing me of Butler's departure, but that with Sir Henry Clinton's consent, he wou'd endeavour to procure the money for me, if I would draw the bills and send 'em in, which I accordingly did by Colonel Bayler and at the same time wrote a letter of thanks to General Leslie which General Maxwell read—but I shou'd not have taken this step, had I not some time before consulted Mr Morris then a Member of Congress and I believe one or two other members on the propriety or impropriety of my endeavouring to draw money on England if I cou'd procure Sir Henry Clinton's consent—and I had great

hopes of obtaining it, as I knew him to be a most polite and obliging man—as He undoubtedly is—Mr Morris and I think but am not sure, some other Gentlemen of Congress assured me there cou'd not be the least impropriety in the measure. Capt Totty is a cousin Germain of Colonel Butler and likewise a very intimate friend of mine and I perceive has taken the affair into his hands in order to serve me—this, Sir, is the full and true history of these letters and of these bills—and I hope that Congress will find no impropriety in giving me leave to answer Capt Totty's friendly letter, and to avail myself of his kind offer, as I much want some hard money to purchase two or three Negroes, without whom my farm is rather an encumbrance than the means of subsistence.

I am, Sir, with the greatest respect,
Your most obedt humble Servt.

CHARLES LEE.

As Capt Totty will probably not be long at York I entreat Congress will favor me with a speedy determination.*

TO THE PRESIDENT OF CONGRESS.

Philadelphia Febr^y 27th 1779.

SIR

The negative put by Congress, on my request to avail myself of Capt: Totty's friendship and Sir Henry Clinton's kindness throws me into the most serious distress—When I wrote from Elizabeth Town to Colonel Butler on this subject, supposing him to be at N. York, I had reason to believe that the only difficulty I should have to combat with wou'd arise from Sir Henry

[* Congress resolved by vote of 26th February, 1779, that the explanation in this letter "is satisfactory": but accompanied it with the further declaration that they disapproved of his negotiating his bills in New York.]

Clinton, not from Congress, as I cou'd have no notion that the drawing hard money from New York could be prejudicial to this Continent indeed the greater the portion of my property I could procure the greater I thought, wou'd be the advantage to America who are bound by their Representatives in Congress to indemnify me for my fortune according to the estimate I gave in (which is several thousand pounds less than what it at present really is) shou'd it be confiscated—in this idea instead of three hundred pounds, I shou'd have drawn for three thousands if I had thought there had been any chance of obtaining it—this was likewise the idea of Mr Morris and I think one or two more Members of Congress to whom I mentioned my intention—and I confess I was agreeably surprized when General Leslie informed me by a note that Sir H. Clinton consented to it, particularly as I remember when I was Prisoner at N. York, I was not suffer'd to send out £50 to an Aid-de-Camp of mine who happened at that time to be in great necessity,—but be this as it may, I thought that if I cou'd obtain this sum or a greater, I, at least, cou'd not disserve the Continent and certainly very essentially serve myself—I did it in the openest manner, the bills were drawn in the presence of General Maxwell and the letter accompanying these bills read by that Gentleman—as my distress is therefore, very serious from the want of means to furnish my farm I once more, entreat Congress to grant me this indulgence but if they possibly cannot consent consistently with any rules They may have laid down, that They will advance me that sum in hard money and make me an accountant for it to be repay'd in the same species at a future day—for to confess the truth, if I am put under the necessity of purchasing the necessary hands for my farm, at this instant in Continental money as it at present goes which I am confident must be good in the end, I shou'd be ruin'd, and on the other hand, without the necessary hands, as I observed before, I have no means of subsistence. I hope, on this

occasion, there can be no impropriety in mentioning my circumstances. When from an ardent zeal for the rights of America and, as I thought, of mankind, I embarked in this cause, I was possessed, if not of an ample, at least of a very easy fortune for a private Gentleman—give me leave to enter into the detail of it. 1stly, I had £480 per annum on a mortgage in Jamaica which was punctually paid—2dly, an estate in Middlesex of £200 pr annum for another person's life but which was insured against my own—3dly one thousand pounds on a country turnpike security at four per cent—4thly—£1500 at five per cent on bond—5thly my half pay £136 pr annum—besides this about twelve hundred pounds in my Agents and in different debts—in all my clear income besides this money at command was about nine hundred and forty pounds pr annum—I had likewise ten thousand acres of land in the Island of St. Johns which had been settled and located at the expence of seven or eight hundred pounds—a mandamus for twenty thousand more in East Florida and a claim as half pay field officer who had served the last War in America in any of the new lands either on the Ohio, Miss'sipi or West Florida—lastly, eight hundred ducats pr annum my table lodging and provisions for my horses as Aid de Camp General to his Majesty of Poland whenever I chose to reside in that Country—such was the fortune and income I staked on the die of American Liberty, and I played a losing game for I might lose all and had no prospect or wish to better it. What is my present situation?—in the first place, I was struck off the half-pay list—my Jamaica Mortgagee who is a creature of the Ministry has protested my bills—it is not certain whether my Agent has received any rents from the Middlesex estate—this is the reason I would not choose to draw upon him, unless my bills are endorsed as Capt Totty now at N York offers to do. He knows that he can be no sufferer as my sister who is rich will at any rate indemnify him—£1500 has, indeed, been

remitted to this Country and put out to interest in S. Carolina but of interest of this, I have never yet received one farthing and if I was to receive it, at present, it wou'd be of little or no value—So that in fact from near a thousand pounds a year clear income (an income which could not have been impaired had the tyrannical schemes of The Ministry succeeded so that my predicament is singular) from an income of near one thousand pounds a year from my zeal for this Country I am reduced to nothing at all, to absolute beggary—it is true the Congress advanced me a sum for the purchase of my farm—but unless I am furnished with the means of putting this farm in some order I had better or at least should be full as well without it—I therefore most earnestly intreat Congress either to permit me to draw this money from N York whilst it is in my power or to give me an order for that sum in hard money—tho' in my opinion, the former wou'd be the more advantageous—and, if there is any objection from the precedent, I hope the great peculiarity of my case may obviate it.

I am, Sir, with the greatest respect,

Your most obedt humble Servt.

CHARLES LEE.

FROM BENJAMIN RUSH TO MAJ. GEN. GATES.

Philad^a. March 1st 1779.

DEAR SIR

I cannot omit embracing the favourable opportunity which now offers to Boston of acknowledging to you, the continuance of my friendship for you, and your good family —The influence of a party drove me from public life.—I now live wholly for the benefit of an amiable wife, and two children, and of my patients. But from the vale into which I have descended I often look back upon those illustrious republicans with whom I engaged in the present controversy with

Great Britain. I see Lee & Mifflin separated from the throng that occupy the Summit of the mountain.—See! my good friend how they beckon to you to retire into the back ground of the picture with them before you are thrust from your rank and degraded in your character by the slander & persecutions which have ruined them.—You have conquered an army, and saved your country—The war is nearly over, so that you cannot retrieve your *ill* fortune, nor atone for your crimes by loosing a province, or wasting an Army hereafter—nothing but a resignation can save your reputation, or restore you again to the favor of the Public.

Mifflin and Lee (who are both at this time in Philad^a.) join in much love to you, and best compl^t. to Mrs Gates and Bob with my dear Sir your sincere *old* friend, and

Hble Servant

BENJⁿ. RUSH.

TO WILLIAM HENRY DRAYTON.

Philadelphia March y^e 15th 1779.

SIR—

As I have now settled all my affairs, and as I am given to understand that you may probably soon set out for Carolina, I take the liberty of addressing this letter to you, which is to close our correspondence for ever—until very [lately] I was taught to consider you only as a fantastick pompous dramatis Personæ, a mere Malvolio, never to be spoke or thought of but for the sake of laughter, and when the humour for laughter subsided, never to be spoke or thought of more—but I find I was mistaken. I find that you are as malignant a Scoundrel as you are universally allow'd to be a ridiculous and disgusting Coxcomb. You are pleas'd to say that I am legally disgrac'd—all I shall say in reply is, that I am able confidently to pronounce that every man of every rank in the whole Army who was present at

the tryal, every Man out of the Army, every Man on the Continent who has read the proceedings of the Court Martial (perhaps indeed I might except M^r Penn of North Carolina and Doctor Scudder of the Jerseys with a few others of about their size in understanding) is of opinion that the stigma is not on him on whom was pass'd but on those who pass'd this absurd iniquitous and preposterous sentence—for to be just, I do not believe you quite blockhead enough to think the charges had a shadow of support—and if ever by some wonderfull metamorphosis you shou'd become an honest man [you] will confess it—as to the confirmation of this curious sentence, I do not conceive myself at liberty to make any comments on it, as it is an affair of Congress for which Body I ever had and ought to have a profound respect, I shall only lament that they are disgrac'd by so foul a Member as M^r William Henry Drayton—You tell me the Americans are the most mercifull People on the face of the Earth. I think so too, and the strongest instance of it is that They did not long ago hang up you and every Advocate for the Stamp act, and do not flatter yourself that the present violent airs of Patriotism you give yourself, and your hard labour'd letters to the Commissioners and the King will ever wash away the stain—if you think the terms I make use of harsh or unmerited my Friend Major Edwards is commission'd to point out your remedy.

CHARLES LEE.

TO MAJOR GENERAL HORATIO GATES.

Philadelphia March y^e 29th 1779.

MY DEAR GATES,

I shou'd in propriety have answer'd the last letter (indeed the only letter) I have receiv'd from you—but was prevented by imaginary busyness and a resolution when I did write to write to you in the most ample

manner on a variety of subjects—concerning your interests and my own—but as I had reason to believe one or two of your letters had been intercepted, I did not chuse to communicate my sentiments by the Common Post—I have waited therefore for some other means—and I should wait longer, but as I shall set out for Virginia in a few days; as no other means do present themselves, and above all as there is such a visible revolution in the minds of men on certain subjects—I am determin'd to delay it no longer—by a revolution in the minds of men, I mean that our Great Gargantua, or Lama Babak (for I know not which Title is the properest) begins to be no longer consider'd as an infallible Divinity—and that those who have been sacrific'd or near sacrific'd on his altar, begin to be esteem'd as wantonly and foolishly offer'd up—so that in fact it matters not much (nay I cou'd almost wish that it shou'd happen) if what I now throw upon Paper shou'd be read by all the Serjeants, Corporals Committee Men and Waggoners betwixt this place and Boston. I shall begin by Confessing that I live (and wish to live) on good terms with two men with whom you (my dearest Friend) are at daggers drawn—Arnold, and Wilkinson—the former has been so cruelly wantonly and I think wickedly persecuted by the President of this abominable State and a Banditti of ignorant obsequious mercenary Clowns his Satellites call'd the Council of State, that altho' I am totally unacquainted with Mr. Arnold's merits or demerits I cou'd not help pitying him, and Pity, as you know, melts the Mind to Love—on this Principle, and on this principle only, I am Arnold's Friend and I perswade myself, not incompatibly, with the sincere love and regard I have for you—With respect to the latter, Wilkinson; I really think that He has been a Man, more sinn'd against than sinning. I think (at least from all I have been able to gather) that he as well as your Honor, has been made a most egregious Dupe in the affair betwixt you—it is a dark, black piece of busyness and I have no doubt will one

day he develop'd to the World. He was put on a wrong scent when he aim'd his pistol at your head, and when you aim'd at his—Alexander (*pas le Grand, mais le Gros*) and his Hephestion M^cWilliams were the proper objects of your respective resentments—but of this more hereafter—Now *quantum ad me attinet*—You know how I have been persecuted and unjustly dealt with both by Bodies Corporate and Individuals—the latter I have the pleasure to assure you I have completely got the better of—some I have sham'd and others put to flight—the Bodies Corporate begin (from many visible signs) to be quite asham'd themselves of the injustice done me—to speak plain, the Members of the Congress are become extremely civil in their words and actions to the Man whom They so lately affected to shun as the Plague—indeed I do not find that there is a single Member so devoid of grace as to insinuate that the charges brought against me had the shadow of support—two notorious Idiots perhaps excepted—one Penn of North Carolina, a broken Attorney, and a Scudder of the Jerseys, a gossiping pragmatical presbyterian Doctor or Appothecary, to both which worthies I have given a very dowsing slap on the face in a letter, which I make no doubt you will soon see, address'd to the Divine W. H. Drayton—*nunc ad te, et eas res quæ ad te attinent*—I hope you are in earnest when you talk of resigning—You cannot serve with safety—a mine is under your feet—the materials for your destruction are heap'd up and prepar'd, and the least error (such as are incident to humanity) blows you up—for my own part I wou'd have sent my commission to the Devil long ago, but was prevented by the advice of, I believe, the Devils eldest Brother, who had assum'd the form and really perswaded me that He was my warmest Friend—but no art, no artifice shall (you may depend upon it) prevail upon me to draw my sword again at least whilst Gargantua or Lama Babak is at the head of our Armies. I am sorry for the poor American Soldiers, who have certainly

merit, virtue and courage—but they must inevitably be beat or rather drown'd if They depend on such a bladder of emptiness and pride—*nunc iterum ad me.* Have you got my fine mare from Mr. Hastings? If you have not, I beg you will, and send her up to our horses heaven by the first fair occasion. I beg Mrs. Gates's pardon, but I think you ought to send her up likewise—for I am told your farm from want of her superintendence is in a damnable condition—My love to her and Bob, who, upon my soul is a fine Boy—a clap and a duel in the same year for one of his age indicate a great Man. I send you (tho I suppose you have seen 'em) some strictures on the affair of Monmouth, or perhaps it might more properly be call'd a supplement to my defence—the Soldiers here (Baron de Kalb in particular) are pleas'd to say it has merit—read it, and give me your opinion—I have some queries political and military ready for the press, which are whacking ones, and which I believe will hurt Gargantua's digestion. Adieu—God bless you

My Dr. Friend
C. L.

TO THE SAME.

Philadelphia April ye 4th 1779.

MY DR GATES,

A Captain Taylor will deliver you this. He has suffer'd much in the cause (as He You and I thought) of liberty and the rights of Mankind, but whether We have not been dupes to this righteous fanatacism begins with me to be a doubt—it is certain at least that in this State a most odious Tyranny is establish'd—but be this as it may, his intentions were honest, and his sufferings have been great—He has been manacled, endungeon'd, and try'd for his life—I knew him when I was on my parole last Spring in this place and I can assert that his zeal was unbounded—I therefore recom-

mend him most earnestly to your patronage and protection—I entreat that you will do him every service in your power which Adams and Lovell two staunch Republicans and honest men (if I do not mistake 'em) assure me is considerable in that district which for your happiness is consigned to you—for from these middle States, libera Nos, Domine—by the Middle States I mean Pennsylvania and the Jerseys—which are inhabited by the refuse of the Irish, the Descendants of the worst part of the Germans and by the first Hypocrites of the most hypocritical sects—stiff neck'd Presbyterians, Quakers, New Light Men and the whole family of the Devil. They have the gasconade thievery and lying of the Irish—the stupidity avarice and sordid disposition of the lower Germans—to sum up the whole, Washington is their God, Joe Reed their Dictator, or rather Despotic Prince, and Roberdeau is a Saint amongst them—but damn 'em—let's talk no more about 'em. I have been amusing myself here in Writing or rather throwing on paper sev'ral crude Reveries, which you shall one day see. My chief performance is a plan for the establishment of a Military Colony in some happy Climate of America, perhaps as wild, tho' not quite so poetical, as Horace's schemes for all the Romans to transplant themselves to the fortunate Islands, for the 'melioration of their morals I send you inclos'd the extract of a letter from a gentleman in S. Carolina which I request you will take care shall be publish'd in the Boston Papers I am much pleas'd with its appearance, as it prepares the road for my (as I told you in my last letter) whacking queries, which are to spoil Gargantua's digestion—There is likewise a letter from Mr North to Mr Tudor respecting the recovery of my fine mare, which I beg when she is recovered you will take into your care and protection and when you have a fair opportunity send up to our *ἵππων παραδίζων* or, in English, Horses Paradise—My love as usual to Mrs. Gates, Bob, and to that excellent Young man, Major Armstrong, whose Father the Gen-

eral, I am sorry to say it, I saw him the other night with a Mulatto Girl in the Streets.

Yours, Dr Gates—

CHARLES LEE.

A SKETCH OF A PLAN FOR THE FORMATION OF A MILITARY COLONY.

I will suppose the number to consist of ten thousand men, with their full proportion of officers of different ranks, and children. There shall be no distinction made in the distribution of lands, betwixt the general officers and colonels; but as it appears that there should, for the sake of order, be some difference of property in the different classes of men, I would propose the following plan of distribution.—When the capital is once fixed, immediately round it by lot—Every colonel to have two thousand five hundred acres; every lieutenant colonel two thousand; major fifteen hundred; captain one thousand; lieutenants and ensigns seven hundred each; each serjeant three hundred: every rank and file two hundred. Another circle drawn round it, containing the same number of acres, shall be in common, for the use of the whole community; where cattle shall have the liberty of ranging beyond this circle. Another shall be drawn, of an equal number of acres, with the same proportion of acres for every member of the community. So that every colonel will, in fact, be master of five thousand acres, every lieutenant-colonel of four, every major of three, every captain of two thousand, and every rank and file of four hundred; one half within the capital precinct, and the other half in what I call the pomœrium of the State: the intermediate shall be allotted to the rearing of horses for the public service, and cattle, to form magazines for war.

The lots in the pomœrium are intended for the children of the State, when they are of an age to settle and marry. As the colony is military, (as every colony

ought to be, if they intend to be free,) a constant exercised militia shall be kept up, but by annual rotation: for which purpose, the fifth part of the men fit to bear arms, from seventeen to forty-five, shall be embodied for two months of the year, their manœuvres as simple as can be devised: but no substitutes are to be allowed, on any pretence, but absolute infirmity; and even those who are not embodied, shall, in their certain districts, be obliged to assemble every week, practise some simple evolutions, such as marching in front, retreating and rallying by their colours, and all firing at marks.

A standing small body of horse, and of artillery, shall be constantly kept up at the public expence, as these species of troops are not to be formed in an instant. An agrarian law shall be passed, and rigidly observed, restraining absolutely every member of the community from possessing more than five thousand acres of land, not only within the precincts of the community, but any where else. No member of the community, unless he comes into the world deformed, or too weak to undergo the manly labours, shall be suffered to exercise sedentary trades, such as taylor, barbers, shoemakers, weavers, &c. &c. These effeminate and vile occupations shall be allotted to women, to the weak, deformed, and to slaves. Agriculture, hunting, and war, to be the only professions of the men; to which may be added, the trade of smiths, carpenters, and those which do not emasculate.

But as there is reason to apprehend, that a nation merely of warriors, hunters, and agriculturers, may become extremely ferocious in their manners, some method should be devised, of softening, or counteracting this consequential ferocity: I know of none equally efficacious with a general cultivation and study of music and poetry; on which principle, I would propose, that music and poetry should be the great regimen of the two most important articles of government, religion and war; all other good qualities might follow of course: for, without religion, no warlike community can exist; and with religion, if it is pure and unsophisti-

cated, all immoralities are incompatible. Music and poetry, therefore, which ought to be inseparably blended, are the grand pivots of a real, brave, active, warlike and virtuous society. This doctrine I am conscious may shock quakers, puritans, and rigid sectarists of every kind ; but I do not speak to quakers, puritans, and rigid sectarists. At the first, and from the bottom of my heart, I detest and despise them. I speak to men and soldiers, who wish and are able to assert and defend the rights of humanity ; and, let me add, to vindicate the character of God Almighty, and real christianity, which have been so long dishonoured by sectarists of every kind and complexion ; catholics, church of England men, presbyterians, and methodists. I could wish, therefore, that the community of soldiers (who are to be all christians) should establish one common form of worship, with which every member must acquiesce, at least in attendance on divine worship, and the observation of the prescribed ceremonies ; but this so contrived as not to shock any man who has been bred up in any of the different sects. For which reason, let all expositions of the scripture, and all dogmas, be for ever banished. Let it be sufficient that he acknowledges the existence, providence, and goodness of God Almighty ; that he reverences Jesus Christ : but let the question never be asked, whether he considers Jesus Christ as only a divine person, commissioned by God for divine purposes, as the son of God, or as God himself. These sophistical subtleties only lead to a doubt of the whole ; let it be sufficient therefore that he believes in God, in his providence, and in the mediation of Jesus Christ, whether a real God, or only a divinely inspired mortal ; for which reason, to prevent the impertinence and ill consequences of dogmatising, no professional priests of any sort whatever shall be admitted in the community. But still I am of opinion, that a sacred order, or hierarchy, should be established, and in the following manner : that this hierarchy are not to be expositors of the divine law, which ought to be

understood by every member of common capacity ; but as the servitors, or administrators of the solemn ceremonies to be observed in the worship of the Supreme Being, of his Son, or missionary.

The grand hierophant, pontifex maximus, or supreme servitor of the ceremonies of divine worship, is to be chosen out of the community, and to be not under the age of fifty ; the principal qualification requisite in him, to be sanctity of manners, a reverend aspect, but, above all, a distinct and melodious voice. A body, or rather chorus of under priests, is to be selected likewise, for their integrity of manners, and skill in music ; for as all dogmas, and of course all expositions, are banished, superior learning, or what is improperly understood to be learning amongst the theologians of the modern world, will be so far from a qualification, that it will rather be a disqualification, particularly as the ceremonies are to consist in poetical hymns of praise and thanksgiving, set to music ; such for instance as Pope's Universal Prayer, part of the Common Prayer, and many pieces selected from the Psalms of David ; for these long prayers with which all the churches of the different sects are infested, entering into such minute details with God Almighty, as if he was your factor in a foreign country, have been justly deemed by many wise men, not only tiresome, but impious impertinencies.

Ablutions, such as are practised in the religions of the East, seem to me to be really a divine institution. These Easterns wisely say, that a pure soul cannot inhabit a filthy body ; that a purified body is the best symbol of a clean spirit ; that it is indecent and wicked to present yourself before your Creator in a dirtier condition than you ought to appear in before an earthly superior. Admitting these figures to be hyperbolical, the institution certainly is extremely wise, as it contributes so essentially to health, and the agreements of society. Baths, or little fountains, at least such as are in use amongst the Turks, to be established near the temples of worship ; and every communicant to wash his hands, face,

feet and teeth, before he enters the sacred abode. The temples to be as magnificent as the circumstances of the society will admit. A grand religious concert of thanksgivings to be performed every Sunday; and two other days in the week, we will suppose Tuesdays and Fridays, but shorter, and with less pomp; for there is nothing so impolitic, as to make pomp and ceremony too frequent—they entirely lose their effect. The thanksgivings or hymns, therefore, on these common days, to be extremely short, but sensible and energetic: long prayers, such as the morning service of the church of England, with the addition of a long unmeaning sermon, hummed through the nose perhaps of a crop-sick parson, who can scarcely read his own writing, or the still more insufferable cant of the puritan preachers, must be the bane of all religion; and I verily believe there is scarcely any one person, if they had the honesty to confess it, man, woman or child, who would not rather suffer considerable inconvenience than go either to a church, or a presbyterian meeting-house. In short, the ceremonies of divine worship must be made solemn, pompous and elevating—but we will quit the subject of religion, and pass to the law.

As an Agrarian law is to be established, and rigidly observed, restraining every member of the community to the possession of five thousand acres; and as the children of both sexes are to inherit an equal portion (for this is to be a fundamental maxim,) the most simple code may be extracted, for civil cases, from the common laws of England, or from those of Denmark, which appear to be excellent. A *professional* lawyer therefore will be totally unnecessary; indeed, I should as soon think of inoculating my community for the plague, as admitting one of these gentlemen to reside among us: all requisite knowledge of the law will be a common accomplishment of every gentleman. The Romans, in the ages of their simplicity, virtue and glory, had certainly none; the same men were their consuls, pontifices, generals, and juris-consults. With

respect to criminal matters, I would adopt Beccaria's scheme ; its excellencies have been demonstrated in the Tuscan dominions. When the present Grand Duke acceded to the ducal throne, he found Tuscany the most abandoned people of all Italy, filled with robbers and assassins. Every where, for a series of years previous to the government of this excellent prince, were seen gallows, wheels and tortures of every kind ; and the robberies and murders were not at all less frequent. He had read and admired the Marquis of Beccaria, and determined to try the effects of his plan. He put a stop to all capital punishments, even for the greatest crimes ; and the consequences have convinced the world of its wholesomeness. The galleys, slavery for a certain term of years, or for life, in proportion to the crime, have accomplished what an army of hangmen, with their hooks, wheels and gibbets, could not. In short, Tuscany, from being a theatre of the greatest crimes and villanies of every species, is become the safest and best ordered State of Europe.

It is a known fact, that since the adoption of this plan, there have been but two murders committed : one by a little boy of eleven years old, in a stroke of passion ; and the other, not by a native Italian subject, but by an Irish officer. But if we had not this example, and that of the Empress Elizabeth, (who adopted the same plan, which had the same good effect) before our eyes, the inculcating an idea in a military people that death is the most terrible of all punishments, is certainly the most absurd of solecisms. Nothing great can be expected from a community which is taught to consider it as such. On the contrary, death ought, as far as human nature will admit, to be made a matter of indifference ; or, if possible, (and I think it very possible,) of comfort.

I have often laughed at the glaring contradiction in the proceedings, in this article, in the British armies, and others, in which I have served. I have seen two or three wretches who had the misfortune to be detected maraud.

ing, or attempting to desert, taken out with awful form, encircled by a multitude who had been guilty of, or had intended to have committed the same crimes, but happily had not been discovered; the chaplain, in his canonicals, telling them how dreadful a thing it was for their souls to be divorced from their bodies, and to be urged on to the tribunal of their Maker, with these horrid sins on their heads. A few hours afterwards, some desperate expedition ordered to be executed by the very men who had been present at the execution, who had committed, or had intended to commit, the very same horrid crimes: and the officer appointed to command the expedition, as usual, harangues the soldiers; assures them that death is not a serious affair; that, as all men must sooner or later die, it is of little moment when it happens. Thus it may be said, we blow hot and cold with the same breath. I am therefore absolutely and totally against capital punishments, at least in our military community. Let the loss of liberty, and ignominy, be inculcated as the extreme of all punishments: common culprits therefore are, in proportion to the degree of their delinquency, to be condemned to slavery, for a longer or shorter term of years; to public works, such as repairing high ways, and public buildings, with some ignominious distinction of habit, denoting their condition. As to those who have been guilty of crimes of a very deep dye, such as wanton murder, perjury, and the like, let them be mutilated, their ears cut off, their faces stamped with the marks of infamy, and whipped out of the State.

I pass now to trade.—The persuasion that extensive trade is the source of riches, strength, happiness and glory, is perhaps one of the greatest mistakes and misfortunes which modern societies labour under. Without doubt certain cities, both of antiquity and the present world, from their peculiar situation and circumstances, owed their existence entirely to their commerce; such as Tyre, Venice, and Holland: but I cannot conceive how a community of soldiers and agricultors, who have

lands enough to cultivate, not only for their own subsistence, but in a great measure for others, should have occasion for what is called great and extensive commerce. I think, on the contrary, that it must emasculate the body, narrow the mind, and in fact corrupt every true republican and manly principle; nay, I think it must destroy all sensibility for real pleasure and happiness. Let any man of taste or sensibility associate only for a few months with commercial men, or reside in a commercial city, he will find their conversation dull, languid, and stupid; their pleasures confined to gross eating and drinking; their only idea of mirth, to the roaring of some vile hoarse singer: and of wit, to the story-teller of the club, or some wretched punster, who lives on catches and crotchets. True music, elevating poetry, liberal history, and all polite literature; a competent acquaintance with these, is necessary for those who have any share of the legislature: I mean those who are immediately entrusted with the executive or judicial powers. It is absolutely requisite to qualify every man of a liberal community for social conversation. But although I object to professional merchants being permitted to reside in our government, it is certain that some degree of commerce or barter must be carried on, or agriculture and hunting stand still, and of course idleness and all its attendant evils ensue.

I would therefore propose, that on the frontiers of the State, at least once in the year, a *great fair* should be established, to which merchants and pedlars of all sorts and nations should be encouraged to resort. This fair to continue three weeks or a month.

FROM DR. BROWNE TO MAJ. GENERAL GATES.

Philadelphia, April 6th 1779.

D^R. GEN^L.

I reached this Place on Thursday last after a most tedious, and fatiguing Journey, and delivered your Dispatches the same Evening—they were read yesterday, and proper Respect will be paid them. G^L. A. informs me two Expeditions will be undertaken this Campaign to the Westward, but not of sufficient Importance to render the Command acceptable to you; He thinks the Eastern Departm^t. including Providence &c. more desirable. Gen^L. Lee is moving to Virginia—He tells me he never stood higher in the opinion of Congress than at present; I wish he may not be deceived. He lately wrote W. H. D. Esq. a most insulting Letter, clothing him with the epithets of low, dirty Rascal, &c. but these proving insufficient to awaken that Gentlemans Resentment, Lee challenged him in form. Mr. D. took no notice of the challenge. The Assembly of this State have rescinded their Resolution of taking the sense of the People at large relative to their Constitution in consequence of a Remonstrance signed by 15000 of its respectable Inhabitants. The Popular Cry lately so much in favor of Mr. S. D. is most woefully reversed, as he has not adduced the shadow of Proof in support of the many capital charges exhibited against the Lees; they have risen in the estimation of the People in Proportion as he is detested—He is not to go to Europe in Quality of Ambassador, *some say he will not go at all*. Gen^L. Arnold is to be married on Thursday next—He has resigned the Command in this City.

My own personal Concerns call me to Maryland—it will not be in my Power to return as soon as I designed—an aged Relation being at the Point of Death.

I am d^r. Sr. Your most Obed. Serv.

My Compliments & respects to M^{rs}. & Mr. Gates.

Mr. Holker informs that the French have been successful in the West Indies in capturing three Frigates of the British, & otherwise much distressing their Trade—that Mons^r. Pickett somebody—I do not recollect the name, had taken some British Transports with five Hundred Regulars, and 1200 Sailors, on their way to Gibraltar or Minorca.

Endorsed—From Doct^r. Browne, Phil^a. April 6th 1779.

FROM CAPTAIN THOMAS TOTTY.

New-York, April 8th 1779.

MY DEAR SIR

I have at last negotiated your drafts at 7½ p^r Cent discount, & lodged [the] Cash with Mr. Pintard, agreeable to the [enclosed] Receipt—when I received your Drafts [Butler's] were exchanged at 15. p^r C^t discount; and that is the reason why I have been so long in settling this Business—I hope you will have suffered no inconvenience from the delay, I thought you would rather wait a few weeks for the Cash, than pay the exorbitant premiums of 15 p^r Cent—

I am just setting off for Rhode Island: Admiral Gambier has given me Post into the Flora.

I have not heard from Butler since he sailed from hence.

I have forwarded your good wishes to our friends in Wales by the Ardent; They will be happy to hear that you are well. I remain

My Dear Sir, with great Regard
Affectionately Yours

THO^s TOTTY.

To Major Genl. Lee, in Phil^a

TO THE PRESIDENT OF CONGRESS.

Philadelphia, April ye 13th 1779.

SIR—

In a long scurrilous libel against me which has, this morning, made its appearance, there is only one paragraph which can possibly give me uneasiness; of the rest I would rather be the subject than the author. The paragraph I allude to, Sir, is that respecting Gen: Moutrie's having defended Fort Sullivan against my judgment—This assertion throws me into the cruel alternative of either silently sitting down under a charge which may make an impression in the minds of the People unfavourable to my conduct and capacity or by justifying myself on these two points, expose to the world, at this critical juncture, a very dangerous truth with respect to that Post which has been held up as of such infinite importance—if Congress will condescend to appoint a Committee to hear what I have to say on this subject, I have no doubt of making my opinion and conduct appear well founded and satisfactory—but, if they think it descending from their dignity to make any inquiry in consequence of only what a scoundrel libellist such as this Brackenridge has thrown out, I entreat most earnestly that they will order to be republished the letter of thanks which they honored me with on the occasion but which ever measure They chuse to adopt, I earnestly request it may be immediately, as my affairs in Virginia are exceedingly distracted by my absence.

I am, Sir, with the greatest respect,

Your most obedt and devoted

humble Servt,

CHARLES LEE.

His Excellency John Jay Esq^r

President of Congress.

Endorsed—A letter from Major Gen: Charles Lee. April 13. 1779. Read the same day.

DRAFT OF QUERIES, ETC.

Nemo de nobis unus excellat sed si quis extiterit alio in loco, atque apud alios sit.

M^r DUNLAP,

I am much pleas'd that the mode of putting queries is introduc'd into your papers, as it is a manner of presenting truth to the Public which does not require the art of a professional Writer, no dictionary weaving is necessary, and at the same time it admits of the most substantial matter and convincing truths—You will therefore much oblige me by giving place in your papers to the following :

1st Whether the Armies under Gates and Arnold, and the detachment under Stark to the Northward, or that immediately under his Excellency General Washington in Pennsylvania gave the decisive turn to the fortune of the War ?

3^{rdly} Whether when Mons'r Gerard and Don Juan de Moreis sent those magnificent pictures to their respective Courts of his Excellency General Washington drawn at full length by M^r Peal, there wou'd have been any impropriety in sending at the same time at least a couple of little Heads of Gates and Arnold, by M^r de Cimetiere ?

3^{rdly}, Whether the tryal of General S^t Clair of which Court Martial General Lincoln was President, and that on General Lee were conducted in the same forms and on the same principles—whether in the former all hearsay evidence was not absolutely rejected, and in the latter hearsay evidence did not constitute a very considerable part ?

4^{thly}. Whether if the Generals Schuyler and S^t Clair had been try'd by the same Court Martial as General Lee was, and instead of Congress Gen. Washington had been the prosecutor, these Gentlemen (unexceptionable as their conduct was) wou'd not have stood a very ugly

chance of being condemn'd? And whether if instead of General Washington Congress had been the Prosecutor, General Lee wou'd not probably have been acquitted with the highest honor?

5^{thly} Whether it must not appear to every man who has read General Washington's letter to Congress on the affair of Monmouth and the proceedings of the Court Martial by which General Lee was try'd, that if the contents of the former are facts not only General Lee's defence must be a tissue of the most abominable audacious lies, but that the whole string of evidences, both on the part of the prosecution and Prosecuted must be guilty of rank perjury, as the testimony these Gentlemen near in number have deliver'd on oath, scarcely in one circumstance coincide with the detail given in his Excellency's letter?

DRAFT OF QUERIES, ETC.

Nemo de nobis unus excellat, sed, si quis extiterit alio in loco, atque apud alios sit.

MR DUNLAP,

I am extremely pleas'd that the mode of putting queries is introduc'd into your papers, as it is a manner of presenting truth to the Public which does not require the art of a professional Writer or what is properly call'd dictionary weaving and at the same time admits of the most substantial matter and convincing truth; you will therefore infinitely oblige me by giving place in your Advertiser to the following:

1st Whether it is salutary or dangerous, consistent with, or abhorrent from the true principles of liberty and republicanism to inculcate and encourage an idea in the People that their safety welfare and glory depend on one man? Whether such a doctrine is not in fact a libel on the Community at large? Whether

liberty which is held by so frail a tenure ought to be call'd liberty? And whether there is a single man on the Continent possess'd of common sense and has not some scheme of lucre or ambition in view, who will dare to hold such preposterous language?

2^{dly} Whether, amongst the late warm or rather loyal addressers to his Excellency General Washington in this City there was a single mortal one Gentleman excepted, who cou'd possibly be acquainted with his merits, at least his military merits? and whether this Gentleman excepted does seriously think him a great man? *

3^{dly} Whether the Army under Gates and Arnold and the detachment under Stark to the Northward, or that immediately under the command of his Excellency in Pennsylvania gave the decisive turn to the fortune of the War?

4^{thly} Whether, when Mons^r Gerard and Don Juan de Morrelles sent those magnificent pictures of his Excellency General Washington *at full length* by M^r Peal, there wou'd have been any impropriety in sending over at the same time to their respective Courts, at least *two little heads* of Gates and Arnold by M^r de Ciemetiere?

5^{thly} Whether the Court Martial by which General S^t Clair was try'd and of which General Lincoln was President, and that by which General Lee was try'd, were conducted in the same forms and on the same principles? Whether in the former, all hearsay evidence was not totally and absolutely rejected, and in the latter, not only hearsay evidence constituted a con-

NOTE * The author of these queries does not mean to dispute General Washington's Abilities or Virtues, but when he expresses a certain indignation at the visible propensity in this State to deify a man, with whom they must be little or not at all acquainted, he flatters himself that he stands on true republican Ground—if General Washington had the head and giant virtue of Timoleon such an excessive adulation as has been paid him in this City wou'd bid fair for corrupting both. Upon the whole, it is manifest that these sort of Addresses stink horribly of a disposition towards monarchical Government, and that a People who run into such blind & stupid a devotion of one Man, as not to suffer his infallibility to be suspected, cannot long remain free.

siderable part, but conversation subsequent to the action admitted and even ransack'd for, altho such conversation cou'd certainly neither tend to disprove established facts?

6^{thly} Whether, if the Generals Schuyler and St Clair had been try'd by the same Court Martial as General Lee was, and instead of Congress General Washington had been the Prosecutor, these Gentlemen (unexceptionable as their conduct was) wou'd not have stood an ugly chance of being condemn'd? and Whether instead of General Washington Congress had been the Prosecutor, there is not the strongest reason to believe that General Lee wou'd have been acquitted with the highest honor?

7^{thly} Whether, it must not appear to every man who has read General Washington's letter to Congress on the affair of Monmouth and the proceedings of the Court Martial by which General Lee was try'd, that if the contents of the former are facts, not only General Lee's defence must be a tissue of the most abominable audacious lies, but that the whole string of evidences both on the part of the Prosecution and of the prosecuted must have been guilty of rank perjury, as the testimonies these Gentlemen (about forty in number) have delivered on oath, scarcely, in one circumstance coincide with the detail given in his Excellency's Letter?

22nd Whether our position at Valley Forge was not such, that if General Howe or afterwards General Clinton had been well informed of its circumstances defects and vices They might not at the head of ten or even of eight thousand have reduc'd the American Army to the same fatal necessity as the Americans did General Burgoyne?

28th Whether when our Army had cross'd the North River and was encamped on White Plains, General Clinton might not by the most simple obvious manœuvres possible on our side, have been prevented from sending under our very noses so large a reinforcement to Rhode

Island, which had it not been cross'd by the accidents of weather might have prov'd fatal to General Sullivan and his army?

29^{thly} Whether all the losses sustain'd by the light Troops advanc'd to the Enemy's lines, from this Camp at White Plains, in Dragoons Horses, Foot and Waggon horses have been fairly given to the Congress or to the Public? Whether They were not much greater than is generally suspect'd or known?

30^{thly} Whether it must not appear to every man who has read General Washington's letter to Congress on the affair of Monmouth and the proceedings of the Court Martial by which General Lee was try'd, that if the contents of the former are facts, not only General Lee's defence must be a tissue of the most audacious and abominable lies, but that the whole string of evidences; both on the part of the Prosecution and of the Prosecuted are guilty of rank perjury, as the testimony these Gentlemen have deliver'd on oath scarcely in one circumstance coincide with the detail given in his Excellency's letter?

[The following is on the other leaf of the same sheet—all in General Lee's autograph.]

Whether the Judge Advocate did not on the tryal of General Lee step out of the line of his office, by cross examining, endeavouring to puzzle the Prisoners evidences—Whether He altho no military Man was not almost the only man who put what he thought were the leading military questions—altho they were such that a Corporals Wife ought to have been asham'd of 'em—And whether General Lee from a supposition that this mode of proceeding intirely arose from his ignorance and not the want of integrity, did not by a paper He had the candor to put into his hands attempt to direct him from such irregular proceedings—by pointing out the proper military questions to save his (the Judge Advocate's) credit?

QUERIES OFFERED TO THE CONSIDERATION OF EVERY
SENSIBLE AMERICAN.

Whether the Kings of France and Spain are not in their respective dominions and in their Colonies and dependencies despotick Princes?

Whether either of these Princes since their accession to the throne have substantially receded an inch from their prerogatives, or in other terms have given an inch of liberty to their subjects either in their immediate dominions or in their Colonies—

3dly Whether it ought not to be supposed that those Princes who are truly actuated by a regard for the liberties of Mankind should not begin to convince us that They are in earnest by giving at least some degree of liberty to their own subjects?

Whether the Corsicans who were stripped of their liberties by France shou'd not be restored to 'em before We can be convinced that France has any regard for the liberties of America?

TO WILLIAM GODDARD.

Needwood, June 7th [1779.]

DEAR SIR,

As I am acquainted with your just way of thinking, liberality and impartiality, and as I think the time is now arrived, when the People will bear truth, I enclose you some Queries, which I believe you have seen before. If you are of opinion that they will be of use, I could wish you would insert 'em in your Paper, with the following introduction:

Baltimore (the date you may put yourself)

M^r. GODDARD,

The following Queries political & military, were sometime ago handed about Philadelphia. The import

of some of 'em is so curious, that they may, perhaps, afford amusement, if not information to your Readers. I am Sir, your most obedient servant

Now I think of it, I beg you will consider me as a subscriber to your paper, and direct one weekly inclosed to Mr. Wolford, at Shepherd's Town, Berkley County, Virginia. Is Col. Oswald with you? If he is, I beg my love to him; and be assured that I am

Dear Sir, Yours most truly

CHARLES LEE.

To Mr. Goddard.

TO THE SAME.

Shepherd's-Town, June 17, [1779]

DEAR SIR

I understand my friend Col. Oswald is entered into Partnership with you. Without this consideration, I should have done your press all the service in my power, as I have a very particular regard for yourself personally, but I have now a double motive. I have many papers which will be of service to you, and you may be assured, that to you alone, they shall be consigned.—I hope you will not think it improper to insert the Queries I enclosed. You have and ought to have the first reputation for impartiality as a Printer, on the Continent.

Adieu, Dear Sir,

CHARLES LEE.

SOME QUERIES, POLITICAL AND MILITARY, HUMBLY OFFERED TO THE CONSIDERATION OF THE PUBLIC.

[*Maryland Journal and Baltimore Advertiser*, July 6. 1779.]

Pennsylvania (Philadelphia)——, 1779.

1st. Whether George the First did not, on his accession to the throne of Great Britain, by making himself king of a party, instead of the whole nation, sow the seeds not only of the subversion of the liberties of the people, but of the ruin of the whole empire?

2d. Whether, by proscribing that class of men, to which his ministry were pleased to give the appellation of Tories, he did not, in the end, make them not only real tories, but even Jacobites?

3d. Whether the consequence of this distinction, now become real, was not two rebellions; and whether the fruit of those rebellions, although defeated, were not septennial parliaments, a large standing army, an enormous additional weight and pecuniary influence thrown into the scale of the crown, which in a few years have borne down, not only the substance, but almost the form of liberty, all sense of patriotism, the morals of the people, and, in the end, overturned the mighty fabric of the British empire?

4th. Whether the present men in power, in this state, do not tread exactly in the steps of this pernicious ministry, by proscribing and disfranchising so large a proportion of citizens as those men whom they find it their interest to brand with the denomination of Tories?

5th. Whether liberty, to be durable, should not be constructed on as broad a basis as possible; and whether the same causes, in all ages, and in all countries, do not produce the same effects?

6th. Whether it is not natural and even justifiable, for that class of people (let the pretext be ever so plausible) who have been stripped of their rights as men, by the hard hand of power, to wish for, and endeavour to bring about, by any means whatever, a revolution in

that state, which they cannot but consider, as an usurpation and tyranny?

7th. Whether a subject of Morocco is not, when we consider human nature, a happier mortal, than a disfranchised citizen of Pennsylvania, as the former has the comfort of seeing all about him in the same predicament with himself; the latter, the misery of being a slave in the specious bosom of liberty? The former drinks the cup, but the latter alone can taste the bitterness of it

8th. Whether an enlightened member of a French parliament is not a thousand times more wretched than a Russian serf or peasant? As to the former, the chains, from his sensibility, must be extremely galling; and on the latter, they sit as easy as the skin of his back.

9th. Whether it is salutary or dangerous, consistent with, or abhorrent from, the principles and spirit of liberty and republicanism, to inculcate and encourage in the people, an idea, that their welfare, safety, and glory, depend on one man? Whether they really do depend on one man?

10th. Whether, amongst the late warm, or rather loyal addressers, in this city, to his Excellency General Washington, there was a single mortal, one gentleman excepted, who could possibly be acquainted with his merits?

11th. Whether this gentleman excepted, does really think his Excellency a great man; or whether evidences could not be produced of his sentiments being quite the reverse?

12th. Whether the armies under Gates and Arnold, and the detachment under Starke, to the Northward, or that immediately under his Excellency, in Pennsylvania, gave the decisive turn to the fortune of war?

13th. Whether, therefore, when Monsieur Gerard and Don Juan de Miralles, sent over to their respective courts the pictures of his Excellency General Washington at full length, by Mr. Peal, there would have been any impropriety in sending over, at the same time, at

least a couple of little heads of Gates and Arnold by M. de Simitiere.

14th. On what principle was it that Congress in the year 1776, sent for General Lee quite from Georgia, with injunctions to join the army under General Washington, then in York-Island, without loss of time.

15th. Whether Congress had reason to be satisfied or dissatisfied with this their recal of General Lee, from what subsequently happened on York-Island, and at the White-Plains?

16th. Whether Fort Washington was or was not tenable? Whether there were barracks, casemates, fuel, or water, within the body of the place? Whether in the outworks, the defences were in any decent order? And whether there were even platforms for the guns?

17th. Whether, if it had been tenable it could have answered any one single purpose? Did it cover, did it protect a valuable country? Did it prevent the enemy's ships from passing or repassing with impunity?

18th. Whether, when General Howe manifestly gave over all thoughts of attacking General Washington, in the last strong position in the rear of White-Plains, and fell back towards York-Island, orders should not have been immediately dispatched for the evacuation of Fort Washington, and for the removal of all the stores of value from Fort Lee to some secure spot, more removed from the river? Whether this was not proposed and the proposal slighted?

19th. Whether the loss of the garrison of Fort Washington, and its consequent loss of Fort Lee, with the tents, stores, &c. had not such an effect on the spirits of the people, as to make the difference of twenty thousand men to America?

20th. Whether, in the defeat of Brandewine, General Sullivan was really the person who ought to have been censured?

21st. Whether, if Duke Ferdinand had commanded at Germantown, after having gained, by the valour of his troops, and the negligence of his enemy, a partial

victory, he would have contrived, by a single stroke of the Bathos, to have corrupted this partial victory into a defeat? *

22d. Whether our position at Valley Forge was not such, that if General Howe, or afterwards General Clinton, had been well informed of its circumstances, defects, and vices, they might not at the head of ten, or even of eight thousand men, have reduced the American army to the same fatal necessity as the Americans did General Burgoyne?

23d. Whether the trials of General St. Clair, of which court-martial General Lincoln was president, and that on General Lee, were conducted in the same forms, and on the same principles? Whether in the former, all hearsay evidences were not absolutely rejected; and in the latter hearsay evidence did not constitute a very considerable part?

24th. Whether, if the Generals Schuyler and St. Clair, had been tried by the same court-martial as General Lee was, and, instead of Congress, General Washington had been the prosecutor, those gentlemen (unexceptionable as their conduct was) would not have stood a very ugly chance of being condemned? And whether, if instead of General Washington, Congress had been the prosecutor, General Lee would not probably have been acquitted with the highest honour?

25th. Whether it must not appear to every man who has read General Washington's letter to Congress, on the affair at Monmouth, and the proceedings of the Court-Martial, by which General Lee was tried, that if the contents of the former are facts, not only General Lee's defence must be a tissue of the most abominable audacious lies, but that the whole string of evidences,

* In one of the numerous publications which have lately infested Philadelphia, it was brought as a crime against Mr. Deane, that he had, directly or indirectly, made some overtures to Prince Ferdinand of Brunswick, to accept the command of the American army, who must of course have superceded General Washington. This crime appeared to all the foreign officers who are acquainted with the prince's reputation as a soldier, in so very ridiculous a light, that they never think or speak of it without being thrown into violent fits of laughter.

both on the part of the prosecution and prosecuted, must be guilty of rank perjury, as the testimonies of those gentlemen, near forty in number, delivered on oath, scarcely in one article coincide with the detail given in his Excellency's letter ?

TO THE EDITOR OF THE MARYLAND JOURNAL.

Westmoreland County, July y^e 14th 1779.

SIR,

The Author of the Queries political and military which lately made their appearance in your papers, and which, it seems, have occasioned so great an alarm, begs leave thro' the same channel to prevent two mistakes which the public may possibly fall into. In the first place, when speaking of the wide disagreement betwixt the Letter addressed to Congress by General Washington on the affair of Monmouth and the testimonies of the Evidences in General Lee's trial both on the part of the Prosecutors and the prosecution—He assures you that it never was his meaning to imply an intention in General Washington to impose a falsehood on the Public. He is convinced that at the time the General wrote this Letter, He was fully persuaded that what he uttered was literally fact. He can have no doubt of the General's being a man of strict veracity and is convinced (as General Lee observes in his defence) that whenever he acts from himself no Officer in his Army will have reason to complain of injustice or indecorum: but that the General was grossly deceived on that day is now past dispute. He was deceived by false reports of those who had seen little and knew less. He was deceived in every point. He was deceived with respect to the number of the troops on both sides. He was taught to believe, for instance, that General Lee had with him six thousand men, and that the British troops were not near that force ; whereas it is manifested that

the Corps under General Lee's command when the retreat took place, in the first instance, did not consist of more than fiveteen hundred, & that the Enemy to speak moderately amounted to not less than eight thousand men. He was deceived in thinking that the retreat was the immediate measure of General Lee, whereas, necessary as it was, it is proved that a fortunate accident was the cause indeed it is impossible from the situation Gen^l Washington was in when the retreat began, that he could be a judge of the expedience or inexpedience of the first retreat or the merits or demerits of the consequent manœuvres—and if the General had happily taken time to inform himself of the circumstances, the Author of the Queries is inclin'd to believe not only that He never would have written the Letter to Congress in the form it appeared, but that He would have considered General Lee in a light diametrically the reverse of a delinquent. In fine, the Querist begs leave to repeat that he never harboured a thought of General Washington's intentionally corrupting the truth but only laments his precipitancy in receiving as facts the vague idle reports of Men who had seen little, knew less, and who were totally ignorant of the whole circumstances of the day, the disparity of the numbers, the nature of the ground, and the alarming condition of the Flanks. The second mistake which the Author of the Queries wishes to prevent the Public from falling into, is that a general unlimited reflection is intended on the Members of the Court Martial by which General Lee was tried, so far from it, that he has substantial Reasons for thinking highly of the honour and probity of several of the Individuals who compos'd it, but that the principles on which the trial was conducted and the general procedure of the Court was irregular, unprecedented, inquisitorial and iniquitous is universally allow'd by every Man who was present at the trial and by every Man who has attentively perus'd it, and has honesty enough to give his sentiments on the subject—In the first place General Lee was found guilty of disobedience

to discretionary orders, which is an impossibility. He might have been guilty of misconduct, but to disobey discretionary orders (and General Washingtons Letter to Congress acknowledges they were discretionary) is as absolutely impossible as to kill a dead man—Secondly, he was found guilty of an unnecessary, and, in some respects, a disorderly retreat, for it seems the Court thought it expedient (by what right themselves best know) to sink the epithet *shameful* which was a part of the charge sent in by the General. Now that a retreat made by fiveteen hundred men, in the face of eight thousand in a country totally unreconnoitred, a succession of dangerous defiles in the rear, the flanks in danger every moment of being turned by a formidable Cavalry—should be pronounced *unnecessary* must certainly appear paradoxical to every Man of common understanding, and whether a retreat performed in these circumstances without the loss of a single gun, a single colour, a single Company or a single platoon without precipitation or the air of flight, halts made and vigorous checks given to the Enemy in every favourable spot of the theatre of action, whether (it is demanded) a retreat in these circumstances and in this manner executed being pronounc'd *disorderly* does not appear rather the decision of a Court of inquisition, predetermin'd to condemn [than] that of a Court Martial? But what renders this decision still more singular is that the retreat (necessary as it was) [is proved] to have been so far from General Lee's measure, that it was against his orders and against his inclination, and that to a fortunate accident alone it could be ascribed.

The two Letters to the General which constitute the third article of the charges against Mr. Lee most certainly do not come under that article of War the intention of which is to restrain Officers and Soldiers from writing or speaking disrespectfully of the Commander in Chief—laws that would admit of such an extension would be too hard for a Russian digestion. These letters were private letters of remonstrance and expostu-

lation betwixt Officer and Officer for injuries conceived to be offered, and ought to have been construed as such only, the Querist is not singular in this opinion, every Officer of any considerable rank who has been bred up in the English, French, or other European Service, every Major General in the American Army whose sentiments have been ask'd on this subject (and the Majority have been asked) agree that these letters were not cognizable by the Court, and that by all means they ought to have been rejected, these considerations with others (which will one day appear) justify the Author of the Queries in asserting that the principles on which the trial of General Lee was conducted, and the whole tenor of the proceedings of the Court was irregular, unprecedented, inquisitorial and iniquitous, but at the same time He assures the Public, that an unlimited reflection on the members who composed it was far from his intention, as several of 'em He has the strongest reasons to believe are men of the strictest honour, probity and virtue.

TO PHILADELPHIA EDITORS.

SIR,

The enclosed [foregoing communication] was sent to Mr. Goddard, immediately after his insertion of the Queries Political & Military; and since it has never appeared in the Maryland Journal, I will esteem it a very singular favor done me if you will afford it a place in your next.

I am Sir y^r. ob^t. Servt

J. S. EUSTACE.

PRESIDENT REED TO THE PUBLIC.

The aspersions which have been thrown on my own character from the press, I have ever despised too much to take the least notice of them; but when a most val-

uable and amiable character is attacked through me, I think it my duty to remark it, and guard the public from error, even in opinion.

In a set of queries, designed to lessen the character of General Washington, in a late paper, I am alluded to so particularly as not to be mistaken, and quoted, as having furnished evidences under my own hand, that General Washington was not the distinguished character the addresses of the Council of this State had represented; from which an inference is to be drawn prejudicial to the General in point of ability, and the Council in consistency, so far as I had any share in those addresses. This insinuation I therefore think it my duty to contradict; and though the sanctity of private and confidential correspondence has been grossly violated on this occasion I should have passed it by, if the fact had not been as grossly mis-stated.

The only ground on which this insinuation can be made, arose from the following circumstance: In the fall, 1776, I was extremely anxious that Fort Washington should be evacuated: there was a difference in opinion among those whom the General consulted, and he hesitated more than I ever knew him on any other occasion, and more than I thought the public service admitted. Knowing that General Lee's opinion would be a great support to mine, I wrote to him from Hackinsack, stating the case, and my reasons, and I think, urging him to join me in sentiment at the close of my letter; and, alluding to the particular subject then before me, to the best of my recollection, I added this sentence: "With a thousand good and great qualities, there is a want of decision to complete the perfect military character."

Upon this sentence, or one to this effect, wrote in haste, in full confidence, and in great anxiety for the event, is this ungenerous sentiment introduced into the world. The event but too fully justified my anxiety; for the fort was summoned that very day, and surrendered the next. I absolutely deny that there is any

other ground but this letter; and if there is, let it be produced. I have now only to add, that though General Washington, soon after, by an accident, knew of this circumstance, it never lessened the friendship which subsisted between us. He had too much greatness of mind to suppose himself incapable of mistakes, or to dislike a faithful friend, who should note an error with such circumstances of respect, and on such an occasion. I have since been with this great and good man, for such he is, at very critical moments; and I hope I shall not be suspected of unbecoming adulation, when I assure my countrymen, (so far as my opinion is thought of any consequence), that they may repose themselves in perfect confidence on his prudence and judgment, which are equal to any circumstances;—and that repeated experience of the value of his opinions, have inspired him with more dependence on them than his modesty and diffidence would in some cases formerly admit. Time will shew, whether his enemies will not find themselves disappointed in their attempts to shake the public confidence, and lessen a character of so much worth, to gratify private, violent resentments.

JOSEPH REED.

Philadelphia, July 14th, 1779.

FROM JOSEPH NOURSE.

Philad. 20th July, 1779.

DEAR SIR,

I have received your very acceptable Letter from Fredericksbourg and observe with a degree of concern your opinion of the doleful State, & the Idea you have of the melancholy prospect of our Republick—I think the historian Robertson at the commencement of his History of Charles the 5th speaking of the Roman Empire says, the seeds were sown in the formation of the Constitution, that eventually overturned the empire.

May the Guardian Angel of America still deign to smile upon her Country with her enlightening Countenance, & prevent our fall, or rather may that kind hand of Providence who views past, present & to come, continue that protection which has been vouchsafed in this Contest, pity our Frailties, and if not for us, for the millions of unborn, that will people this Western World, establish our Governments, & render us a happy people—If the English Government should take similar steps with regard to property, as Virginia has done belonging to Residents in Great Britain, it may affect our family very considerably, as my Father has considerable Interest there—probably you may also be affected—Situated as I am, I am not confined either to time or place. an Idea has struck me possibly I may be mistaken but if it strikes you in the same light possibly I cou'd be the means of improving your fortune, and you thereby might be of service to me—As I am acquainted with Trade, and want only the means of doing something in it, suppose you were to give me an order on your Correspondents in England, for £2000. st^{rs}. & this money to be employed in the general Stock; I wou'd forthwith embark, & go over to England via France, and carry even on my return such Articles as I cou'd be certain wou'd meet an advantageous profit to Holland, & from thence in a dutch bottom to S^t. Eustatia, & send in small Vessels a proportionate part of the Cargo, making an Insurance—I wou'd keep a strict account, and you shou'd equally share in the profits and only bear a proportionable part of the expense. Such a scheme wou'd be worthy of prosecution, & possibly I might arrange your other affairs there to your satisfaction. I am not acquainted with their situation, but having heard of your having money there and your Bills having lately met due acceptance, it is a plan I have long wish'd for, and I mention it as an advantageous one wherein you wou'd be equally benefitted with myself. I can settle all my Affairs here & go out a supercargo to the West Indies. You may have no Idea of the money being valuable,

but I can assure you setting aside the exchange, which will always be in proportion to the increase, the profits are very great. I take the liberty to enclose a Newspaper, & congratulate you on the Contents, & with my respectful Compliments in return to Mr. Eustace

I am Dr. Sir, Your most obt. hum. Serv

JOSEPH NOURSE.

Major General Lee, Berkeley County, Virginia,
to the Care of Mr. Martin Wolfred, Shepherdstown.
p post to Baltimore.

TO THE CONSUL OF FRANCE AT BALTIMORE.

SIR,

Altho' I have not the honour of being personally acquainted with you, yet as from all report I have conceived a very great opinion of your character, I take the liberty of addressing this letter to you, and as I understand you are perfect master of English, you will not take it ill that I write in this language, rather than in French, in which from disuse I do not find the same facility of expressing myself with precision as I formerly had.

That such low-bred ruffians (as the banditti who lately committed those scandalous outrages on Mr Goddard) should grossly misconstrue my meaning and words neither surprises nor mortifies me. But if I thought a Gentleman of liberal mind and education (such as you are represented to be) could be infected with prejudice, so far as to interpret what I have written into a sense quite foreign from my intention, it would give me both astonishment and the greatest concern. To elucidate a general proposition which was that a sensible and well-armed people when strip'd of their liberties, either civil or political, are more wretch'd than rude barbarians, who have not the least idea either of the one or the other I happened to parallel

the feelings of an enlightened member of the French Parliament (when the hand of power is upon him) with the condition of a Russian serf, who has no feelings at all, but when immediately under the lash of the Knout. It must be allowed, Sir, that until the power of issuing *lettres de cachet* and of banishing *at Will* is formally given up by the Crown, the members of a French Parliament cannot be said to have any liberties, political or civil: This power of the Crown, it is probable, (from the character of the reigning Prince) will not be exerted: and it is probable from the spirit of liberty which has been long fermenting in the breasts of almost every Frenchman, that if it was exerted it would not be long endured. But it is certain that in the last reign it was exerted and severely, it is certain that several of the members of parliament were sent into exile for refusing their sanction to measures, which they thought oppressive: It is certain that the greatest number of 'em were men of the most enlightened minds and elevated sentiments; and that the sense of the hardship of their conditions, must have been exquisite in proportion: And on the same principle it may be asserted, that the situation of a disfranchised citizen of Pennsylvania (who are a sensible well-informed people) is more galling than that of a subject of Morocco, who has not the words—privilege or Liberty in his vocabulary. Your countryman the Abbe Reñal (in more than one part of his political discourses if I recollect right) says the Body of the English people are extremely corrupt; this may certainly be called a national reflection, yet I never heard of any English gentleman of a liberal education resenting it; nor do I believe if the Abbe should chuse to go into England, he would find in the least a worse reception for it: indeed by any fair induction from the Quere now attempted to be made so wicked a handle of, it must appear that a compliment was intended rather than the reverse; for if I had been acquainted with any other subjects of an absolute monarchy (whose minds were as enlightened

and sentiments as elevated as the members of a French Parliament) I should probably have brought them forth for the purpose of illustrating the position laid down—Upon my word, and I dare say you will agree with me, if this mode is introduced and encouraged of torturing every paragraph of a printed paper, or every sentence a man throws out in common conversation into a calumny on particular men, or reflections on nations, there is an end not only to the freedom of writing, but of all human society. So far from entertaining a dislike to the national character of your country, to their habits, manners, and general condition of the subject that I have had serious thoughts of making France the seat of my residence for the remainder of my days, and I am apt to think the migrations will not be inconsiderable, for in this country we have already many instances of as perfect a tyranny (altho' of a different species) being exercised, as that to obviate which, so much valuable blood has been spilt, I might Sir, refer you to all the French Gentlemen in the American Service who have fallen in my way, whether any part of my conduct has indicated any Anti-gallican prejudices: I shall now conclude with earnestly entreating that if from the gross air you at present breathe in you have imbibed for a single moment, the erroneous idea that I meant a reflection, or to derogate from the credit of your Nation, you will discard it, as upon my honor it was most remote from my thoughts or intention, I must farther entreat that as I mean to clear up this point not to you (personally) alone but to all your countrymen, that you will not be offended if a copy of this Letter which you are troubled with should be inserted in some of the Public Papers.

I am Sir, your most humble Serv^t

CHARLES LEE.

1st August 1779.

To The Chevalier D'Anmourz

Resident Consul of his most Christian Majesty,
Baltimore.

FROM MRS. C. CUTHBERT.

[The first part of this letter is missing from the Lee Papers.]

P. S. Well I am to Say Something for Myself—then “over the water, & over the Lee, and over the Water to Charley ” Is the Word—I hope to Be with You Bag & Baggage Before I eat my Christmas Dinner, Mamma Says I must Carry My Cradle, But as I have a Will of my own (& they seem disposed Just Now to Coax Me) I say I won't: You must find the Cage, & I'll bring the Bird, and I will make you a present of them Both—As an Addition to your Pets. I am just thinking what Brackenridge will say when we all get together—(We have heard his speech about you already)—Such a family of curiosities as General Lee has got! a Widow that Is resolved to live in a State of Monogamy A Settled Serious Politician, as staunch a Whig as ever Shouldered a Musket in America You shall furnish him with a list of my extraordinary abilities—& Genl. Lees adopted Son, a wild, volatile, extravagant fellow, with a little of the Shandean Fun about him; In short a fine Child the Picture of his Pious Daddy—the L—d have Mercy upon You! & give you patience & resignation under all these trials. Don't forget to have a Swing ready, I remember a Compliment You Paid me once that you wou'd give a hund^d. Guineas for my Picture when I was swinging—If you apply to My Master I dare say you may get the Original for half the Sum—for in real good truth I am a very useless piece of furniture these times. I am not going to Make one word of Apology for all the trouble I am likely to give you—If you wish to lessen look out for a habitation for us—Neither shall I say a word about the fellow-feeling I have for You, that is an old Story—& I know you hate Repetitions & Parenthesis—And now my Dear Sir believe from the bottom of my soul, & In the sincerity of my heart I wish you & every thing that you like, happiness, and that regard, Esteem

& Respect, & every other Word that is made Use of on those occasions Added to Affection, does not express more than I feel for General Lee, as the Guardian & Protector of a beloved & only Brother.

I want to ask you a question—how comes it you never Courted me? I declare I don't think there is any body In the Round World that wou'd have suited you so well. I don't know if I shall forgive you. Your being so partial to Jack has quite mortified Me—And I am sure I am as clever a fellow & have not half his faults. I think the Postscript is long enough, You think so too—So Adieu! Adieu!

C: CUTHBERT.

August 10th, '79.

MAJOR JOHN S. EUSTACE TO BRIG. GEN. WAYNE.

Philadelphia

SIR,

Gen^l. Lee desired me to hand you the enclosed, but as I shall not be at Camp so soon as I then expected, I do myself the pleasure of forwarding it by this conveyance, and beg leave with him to congratulate you on the success of your late spirited & judicious attack upon the Post at Stony-Point.

I am Sir, respectfully,
Y^r h^{ble} St.

J. S. EUSTACE.

Brigadier Gen^l Wayne.

Augt. 27th, 1779.

TO BRIGADIER GENERAL WAYNE.

Berkely County, August 11th. 1779.

SIR,

You will do me the justice to acknowledge that at the time I was taught to think (I am sure without

foundation), that you were one of the most active in my prosecution, I gave it as my opinion that you were a brave officer, and an honest man. You must likewise recollect, that when you sent me a certain message at Elizabeth town, I told you that if I was appointed to a command, and had my choice of brigadiers, you should be one of my first election; I hope therefore that what I am going to say you will not consider as paying my court in this your hour of glory, for as it is, at least, my present intention to leave this continent, where I have been so scurvily and ungratefully treated, I can have no interest in paying my court to any individual: what I shall say, therefore, is dictated by the genuine feeling of my heart.—I do most sincerely declare, that your action in the assault of Stony Point is not only the most brilliant, in my opinion, through the whole course of this war, on either side, but that it is one of the most brilliant I am acquainted with in history:—upon my soul, the assault of Sweidnitz, by marshall Laudun, I think inferior to it. I wish you, therefore, most sincerely, joy of the laurels you have deservedly acquired, and that you may long live to wear them,—and if you have leisure, as I am curious in these details, to inform me of the particular order of your disposition, you will much oblige one who is, without flattery, with respect and no small admiration,

Your most humble servant,

CHARLES LEE.

Brig. Gen. Wayne.

JOSEPH NOURSE TO MAJ. GEN. GATES

Philadelphia 12th August 1779.

SIR,

I had the pleasure to receive your note with a Letter enclosed for M^{rs}. Gates which agreeably to your request I forwarded by a safe conveyance. The Letter you sometime ago sent to Mr. Peters was forwarded by Mr.

P. to Baltimore & Mr. James Millegan previous to my being acquainted with the receipt of it by Mr. Peters, otherwise I should have taken the charge of it. Mr. Millegan is a Scotchman Man, but I cannot conceive he comes within your intention, when you desire me in your Letter to Mr. Lovell, not to trust your Letter by a Scotch Conveyance there is something further implied, and you may rely upon my care in forwarding your Packets for M^r. Gates by the best conveyances—I can only recollect four Letters that I have received from you, for your good Lady, including that which Mr. Lovell handed me, which I have in waiting for a good opportunity, the others I forwarded, and have no reason to doubt, but that they were duly received—I have only received one Letter from her for you, which I conclude you received about three weeks after Mrs. Gates left you, as I forwarded it immediately by the Post.

I am thus particular lest you should think me deficient in my duty, so far from it, that I beg leave to assure you, I take a particular pleasure in executing these trivial Commissions, and am richly repaid in the satisfaction I have in doing them.

General Lee writes me that my Sister has again been unfortunate: a misfortune not similar to the last, for ye little one never made its entrance. I need not be more particular, neither is it necessary to embellish this Circumstance in the ludicrous manner the General did to me—My Father Mother & Family were well the beginning of last month—Mrs. Gates & Family Jem also writes are well. General Lee has gone down with Eustice to Fredericksbourg to spend a few weeks—As you have no doubt seen the publication of Mr. Goddard on the subject of a number of Queries which were presented to him by General Lee, I shall only observe that they have only tended to render him more unpopular—however true and just in a Republican Government they have not suited the minds of the people, and I wish for his sake, that he had laid the publication of them aside for a future day—I congratulate you Sir, on the late

important Intelligence from Europe & the West India Islands. I think the day is very fast approaching, that you and the many others who have foregone the Ease & Comforts of domestic Life to engage in the cause of Freedom and Independence, will be enabled to return to that envied State and in addition to other Blessings enjoy the pleasing idea of having been imminently instrumental under the kind hand of Providence of affecting so glorious a Revolution. My Father has advertised the large Spring Tract for Sale by Public Vendue on the 21st of September—his motives for doing this is to enable my brothers, Jem, Charles & Robert to take up lands under the late Act, opening a Land Office the price is £40 V C p 100 acres. But before Jem goes out, I expect he will take a partner, to share with him in the fateagues of so long a Journey—the Young Lady has several Blackies, which Jem, I suppose deems essentially necessary to level the huge trees of Kaintucke.

I take the liberty to the enclosed with one of Townes late Papers cont^s. Doctor Franklin's Address to the Inhabitants of Ireland. Mr. Tom Hite lay at the point of Death when my Father last wrote to me, with a nervous fever. I beg pardon for trespassing upon you with this long Letter, and haste to conclude, with my best respects to your self & Family.

Dr. Sir, Your Most Obe^t. humble Servant.

JOSEPH NOURSE.

Hon. Gen. Gates.

REV. WILLIAM GORDON TO MAJ. GEN. GATES.

Jamaica Plain, 21. August 1779

Dear General Gates,

You have been very good in your last Packet, which the express delivered about five o'clock yesterday. Do not send the letters back, before Thursday by Mumford, as I shall not see Dr. Cooper 'till Wednesday. On

the tuesday Hazard & I went & dined with Mr. John Adams who communicated to us the copy of a long sensible letter he had sent to Congress, wherein he had given the political state of Europe. His letter was so in unison with what you received from Paris both in Sentiment and stile, that upon recollecting it & attending to some internal marks I was immediately reminded of the Author of Junius Americanus, to whom I wrote lately beginning thereby a correspondence with him. Mr. John Adams shewed us also some letters that passed between him and Mon^r. Vergennes after Deane's address first made its appearance in France; from what Mon^r. Vergennes wrote him you are obliged to believe that the Reports spread concerning Mr. Lee's being distasteful to that Minister must be false, and that either the minister hath not wrote about him, or what he hath wrote has been separated from the context & perverted to answer a purpose, as is done at times by designing priests when they handle the word of God deceitfully. Mr. Adams has sent a Copy of the whole correspondence to Congress, Mr Lee's defence is at Congress, & Lee has given orders to prosecute Dean for defamation. The affair I hope will be sifted to the bottom, and every honest man who has a grain of influence with the members of Congress should push them on to do it soon—for the sooner it is done the better. The public will never get right 'till the wound is reached, & the corrupt matter is moved, then we shall heal again. I shall make no comments upon Penobscott. I was prepared for the worst, having expected it. However for the present we are saved, tho we deserve it not. (We parsons can do but little towards ridding the Country either of our enemies, our avarice or our idolatry).

You will hear of a number of Jamaica Ships being brought into Boston, if the news of the afternoon proves true.

Have not yet seen Mr. Saml Adams since his leaving Providence. You two when together I conceive were

as intimate & as happy as your similar political hearts & heads could make you.

Mr. John Adams seems much pleased with the new French Ambassador—Hope you will see him in his way, & plan an early removal of the enemy through the assistance of French or Spaniards or both. Great Britain I am afraid is in a galloping Consumption. Let her be reduced, & her pride humbled, but I wish her to live.

Pray desire Dr. F. to inform you of the happy effects of Saratoga Convention for America, not generally known—My intended History will be defective without them. You may plead a right to be acquainted with them as you gave rise to them.

When did you hear from Mr^s. Gates & your Son? Why don't you let me know that they are well? Mrs. Gordon & friends are in statu quo, & would be remembered to you.

I am using up your waste paper fast, that if you can send me a bundle by the next opportunity, you will do well in doing it. Hazard is so busy in transcribing himself into a man of note & character, that he continues to put off writing to you. When you send again, rap his knuckles—moderate discipline will mend him—Cannot conjecture when he and I can come and see you, but probably it will be in company before winter makes the roads bad. Whether here or elsewhere you will find me a steady hearty friend &

Your humble Ser^t.

WILLIAM GORDON.

As Cornwallis has arrived will he not probably have the command. If he has will not Clinton return to England? Is it not equally probable that Tryon (being superseded as Governor) will go too?—that they will both go together?—& in no larger a vessel than a frigate?—Should this be the Case cannot you lay a Plan for catching them.

Lords day $\frac{1}{2}$ after nine

FROM MAJOR JOHN S. EUSTACE.

Philadelphia 24th August '79.

I arrived in this city my dearest General the third day after I left you—and sorry, very sorry am I to tell you—that (notwithstanding the most indefatigable (sic) efforts, I have not been able to procure admission for *either of your pieces*, in *any of the Gazettes* however *Goddard and Oswald* were in town—and to them I applied for assistance—*Goddard* writes you a long letter respecting 'em—and I think we shall be able to present 'em to the world in *print*—I got introduced to Oswald—and was sorry his short stay here (for he sett out the day after) put it out of my power to shew him those civilities I wished—and which his attachment to you entitled him to, from me. I gave him an invitation to see me on his return, [and] I mentioned to them the uneasiness *their situation* had given you; and received in return the warmest & most cordial assurances of the continuation of their respect and esteem for you.

Doctor Craig was here when I arrived. I dined with him at Col: Laurens's—and cou'd not speak to him, *on the subject of his celebrated letter*, there however I discovered his lodgings, and with a friend called on him to know if he ever had written such an Epistle—he declared *he never had*—but *confessed* he had mentioned it *verbally* to some persons & s^d “he wou'd take his oath—you wrote a letter into the *Enemy*, before the action was over—*without the concurrence or knowledge of General Washington*—and that you sent it by a woman who went in, by y^r permission—and not by the General's ”—I was surprized at this declaration—and told him I shou'd write to you for the particulars—and that I shou'd then investigate the matter fully with him—Now, my dearest friend, send them to me—and by the Eternal God, if I detect *him, or anybody else*—in a lie respecting you—I will punish them at the risk of my

Life—mention to me—if you can recollect any persons who were present—and I'll bring 'em face to face—and correct him, if 'tis at the General's Tent—'tis a duty I owe to you and common humanity—and altho' I cannot eradicate the prejudices that have taken root against you in this city, yet *no fellow shall injure you with impunity if I can help it*—If I fall, you will respect me for the attempt—If I succeed, my own will compensate for the risk—

I speak of you here *openly* and *largely*. I give my sentiments of your affair, with all the warmth of a young man—tho' without the *prudence* of an old one—I said 'tother night I thought Colonel Hamilton was *perjured*—that I could convince himself of it, by reading over the *Tryall* to him—and if that was not *sufficient evidence*, it might rest on *matter of opinion*—and be decided as he *chose*—there were several officers present—but they said nothing in reply—tho' I'm confident they'll tell him—& I've no objections.

Pray write my dear General, and give me a *folio* of instructions—and if I do not implicitly comply with 'em—banish me from yr. friendship—Mark me for a *black-sheep*—if I don't on all necessary occasions—quarrell for you—and fight for you—I trust you wou'd not suffer anybody to abuse me—were you conscious I was innocent—and from that presumption—I draw my determinations *respecting you*.

Send me if you please—the *paper* you were good enough to promise me at *Berkeley*—for I shall go through the *jerseys* and may want it—the two Morris's have taken cruel pains to injure me—and was not he rank'd among the number of y^r friends I shou'd have pursued a different mode of establishing my character—but 'tis not my wish to give you uneasiness or to induce the world to believe I'm actuated by a principle of jealousy—you must be sensible Gen^l Lee—I never made an attempt to lessen y^r esteem [for] any person—for whom you professed one—that I never applied to you in my life for a single sixpence, nor made use of

any arts to draw from you any *promise of befriending me*, beyond the obligation of living, with you—and enjoying your company and conversation there, so help me god—were the *outlines of my expectations* nor did I ever, or do I now—possess assurance enough to expect anything more—*While you live*, I cannot suppose I shall *enjoy any part of your fortune* and God knows, I never wish to purchase any part of it, at the price of your life—Exclusive of this I've so much scotch blood in me—I wou'd not endure the idea of being dependent—a single instant for the universe—my situation with you, Sir, has never been irksome (*on that score*) but the reverse—And tho' I never applied to you for a single farthing—yet 'twas not from a want of *assurance* that my *request wou'd have been granted*—but from an Idea that it was *wrong* to trespass upon the goodness of heart of *that man*, under whose patronage I was placed, by his own benevolence.

When you allow that these things are true, you will acknowledge my dear General, that it was cruelly severe in Major Morris, to propagate your expression on my conduct, even after you forwarded him a letter from me, which contained the reasons, that actuated my disposal of your effects—and my readiness to repay any expence that might accrue from y^r rede[eming] of them—You will not I hope deny me the favor of just declaring you are satisfied with my conduct in that affair—I want no more—my wish is *barely to clear my own character* not to injure that of any other person—

I shall try to get an interview with my uncle at N. York—faith I must do that, or go a-privateering—I can't support myself in the present line of life I'm in—And I cannot think of leaving Philad^a, while there is a copper's worth of *my affairs* unsettled.

I send you my good Sir the *pamphlet Anticipation*—of which I spoke to you so highly.

[Only the first sheet of this letter remains among the Lee Papers. It is in the handwriting of Major Eustace.]

TO PRESIDENT REED.

SIR,

Some time ago (for I forget the date) there appeared a letter or address of your excellency to the public complaining of the violation of the sanctity of private Correspondence by the author of the queries political and military—it is notorious to the world that I am the author—I consequently wrote a reply, which was sent down for the press by Maj. Eustace to Philadelphia. I will not venture to say that your Excellency has a positive influence over the press of your capital, but there is no rashness in saying that you must have a certain degree of influence. I request therefore as a gentleman and one embarked in the common cause of the liberties of mankind (of which the freedom of the press is the basis) that you will use your interest for the admission of those papers now in the hands of Major Eustace—If they contain anything unfair uncandid or dishonest, you or those you chuse to employ can by the same channel refute them.

I am Sir, your obedient servant,

CHARLES LEE.

[“A Letter To Gov^r Reade”—From Copy in Letter Book—in the handwriting of Thomas Lee (of Belle-view).]

 TO MISS SIDNEY LEE.

Prato Rio in Virginia

Sept^r y^e 24th 1779.

MY DEAR SISTER,

I have just received your letter from Chester of January y^e 3^d—I know not whether you have received 'em, but in the course of this and the last year I wrote you two letters—informing you fully of the State of my health & spirits—the two points, which I knew

from your natural tenderness and affection you must be the most solicitous about—They have both thank Heaven and the good Constitution we received from our Father & Mother, never fail'd me a single day: and untill I am conscious of having committed some unworthy action (which I can assure you is not at present the case) the iniquity of men shall never bear me down. I have it is true uneasy feelings but not on my own personal account. I feel for the ravages and devastation of this Continent and the ruin of many thousand individuals. I feel for the Empire of Great Britain, for its Glory, Welfare, & existence, I feel for the fortunes of my friends and Relations, which must receive a dreadful shock in this great convulsion. I have been accus'd of making it my Study (from a spirit of revenge,) and exerting all the talents I am Master of, to involve my Country in the ruinous situation she now is in. You know—all my acquaintances and correspondents know how false this imputation is. I will not enter into political retrospection as my letter will probably be opened before it reaches you, but I can safely appeal to the substance & spirits of the letters which the publick has already seen, viz, those to Lord Percy and General Burgoyne; wherein I prophesied the fatal events that have follow'd. By this time I presume these Gentlemen repent not treating my predictions with a little more respect or attention. I cannot help lamenting, (at least for my own honor) that another which I addressed to General Gage at Boston in which I laboured to open his eyes was not published and never seen by the public, in which I endeavour'd to disenchant him from the trance, infatuation, and ignorance he had been thrown into by the poisonous breath of those who surrounded him. I loved General Gage personally—but he has much to answer for—He has to answer for I will venture to say the blood of one hundred thousand Englishmen, or the immediate descendants of Englishmen. He has to answer for the subversion of the whole British Empire. In short he

has to answer for more than any man, whose Conscience is not as hard as Hell, can stand under the reflection of.

[I can above all appeal to the knowledge you have of the principles that have actuated me from my infancy—You know since I first read and was in a capacity to think that the liberties of Mankind have been my reigning passion—You are sensible that altho' I always wished to see England the presiding part or seat of Empire—I was at the same time a champion to the utmost of my power of the rights and privileges of the People of every part of the Empire of the Irish of the Scotch of the people of Jersey Guernsey and Minorca but more if possible of America a people for whom I had conceived the warmest affection from my first acquaintance with them—in short you cannot but be thoroughly convinc'd of the purity of the spring of all my actions—and as you are my Sister and have a degree of Philosophy perhaps above your Sex—this conviction cannot fail of being a personal consolation to you when your Brother is misrepresented.

As to my personal Honour (for I suppose you allude to the affair of Monmouth) all I shall say is that as I believe the proceedings of the Court have been sent to England and as you can read have excellent sense and can make proper comments I may be quite easy on that subject. You have heard, I suppose, that I have bought a farm in Virginia, it is a fine grass Country with fine waters—the Climate not bad—or rather very good, to those who can resist great heats in summer—I have at present fifty fine horses and about a hundred head of Cattle besides Sheep—I cou'd wish you and your Fortune my Cousin Townshend's were their's cou'd by the power of Magick be taken up and set down gently here—nor shoul'd I be sorry if the Hunts and Barrets could be transported with you—]

As to my personal honor (for I suppose you allude to the affair of Monmouth) as I believe the proceedings of the Court by which I was tried was sent to England, and as I know you have eyes to read, capacity to

judge, and make proper comments, I may be quite easy on the subject.

My love to all friends, acquaintances & relations, the Bunbury's, Townshends, Hunts, Hincks, Barretts, &c. &c. Adieu, My dear Sister live long and happily, and as far as your humanity will admit laugh at the iniquity of men.

C. LEE.

[The paragraphs enclosed in brackets, in the foregoing letter, are added from the draft or copy in General Lee's Letter Book.]

FROM JOSEPH NOURSE.

Philadelphia y^e 22d Sept^r 1779.

DEAR GENERAL,

A former letter of mine acquainted you that I had deferr'd the Sale of your Bills upon M^r. Jonathan Gaston for £200 Sterling until I cou'd hear from you and obtain an answer to the Questions proposed which were :

Whether I shou'd sell them at the current Course of 2000@2500 p. C^t. or whether you wou'd delay the sale and remit me Money for the purchase of the several Articles enumerated in your letter. The reasons given for deferring the sale until I cou'd hear from you, were the course of exchange being so very disproportionate to the price of Gold and Silver, and the difficulty that might arise in investing the remainder of the money—also, from the tenor of the Letter of advice, a doubt arises whether they wou'd meet due acceptance, and that if they did not that the damages in this State are 20 p C^t. Sterling, a matter which I thought of no small importance. You will forgive me if I have not in this Instance answer'd your expectations, as I have been altogether govern'd by a regard to your interest.

I have received yours of the 2^d. Inst. with the Bills enclosed. You have committed an error (to speak in

the mercantile stile) by sending me two setts of a different date, when at the same time I have no reason to think otherwise, than that you intend to draw for only one sum of £200 Stg.

You may rely upon my destroying one of the setts. I find that you are rather better satisfied with the Board of War; I cannot accuse them of any misbehaviour with regard to your Maps. The further commissions that you have sent me, I will endeavour to execute. I need not tell you how pleasing these little matters are to me, and that you have a right to command every thing of this nature that may lie in my power for the kind notice you took of me, at a time that I was altogether a stranger—it will be with singular pleasure that I shall obey, which is not altogether the case with old servants that conceive they have done with their Masters. I shall apply both to Colonel Palfrey and the Auditors at Camp, but I conceive, that before any thing can be done you shou'd send in your Account against the United States, which I believe you are enabled to do from the papers in your possession. I find that exclusive of the 30,000 dollars, received of Congress in December, 1776, you are charged in the Treasury Books with 2406 dollars—that you are also charged with 1333 $\frac{3}{8}$ dollars in specie, & that you have credit for 1233 $\frac{3}{8}$ the am^t. of your Bills in Specie sold at N Yk. You may rely upon complying with your injunxion of secresy with respect to the many services you have rendered. I am a witness to many, & that had your advice been taken fort Washington had been saved—I do not mean to flatter—Justice demands it from me.

I send you a Letter from Eustice which answers all your Queries. I acknowledge your attention to my Int. in offering me your still house, but as I cannot effect a Contract with the public for spirits I believe I shall give up the Idea altogether.

Mons^r. Gerard departs to morrow.

The Chev De Luzerne arrived here yesterday.

I wou'd advise you to send me the specie for the pur-

chase of the several Articles mentioned in your Letters as soon as you can. I wish that it lay in my power to purchase them immediately, but the various demands I have for the little money at my Command puts it out of my power.

Jacob Morris is at Princeton. I left the Message with his sister M^{rs}. Lawrence. My Compliments to M^r. Lee—he either omitted to enclose the measure of M^{rs}. Dunn's foot, or it was lost out in the Road as it never reach'd me—farewell

Yours with regard
JOSEPH NOURSE.

General Lee.

TO BENJAMIN RUSH.

Prato Rio, Sept^r. ye 26th 1779.

MY D^r RUSH—

At length I have receiv'd a letter from you, a happiness I confess I began to despair of, altho' it is a tribute due to the friendship that I have professed for you, and professed without hypocrisy, and you of course ought to be more regular in the payment of this tribute. You appear to me to be one of those very few mortals who from the beginning and through the whole course of this Contest, have acted from the pure unadulterated principles of liberty and republicanism, uninfluenc'd by any views of avarice or ambition evry days acquaintance has improve'd your Character in my opinion for God's sake, therefore, let me have the satisfaction, ev'ry post, if it is possible, of hearing from a man I so sincerely love and esteem—You say that Great Britain is at her last ditch; She is indeed effectually so; and to speak freely, her case is too desperate rather for the interest of America—no danger can now be possibly apprehended from her force; all her efforts must be vain, futile and impotent—but there may be danger from the opposite quarter; for if Great Britain is entirely crushed,

and the House of Bourbon gain the absolute dominion of the Seas, America, in my judgment, has not a little to dread—America ought therefore to take every precaution and adopt every measure necessary for commanding respect, before it is too late—for otherwise these Powers (now her Allies) when their Busyness is completely done with respect to their ancient hereditary and dreaded Enemy, may take it into their heads, to treat her very cavalierly, and talk in the style of Masters or at least of Protectors—You observe I think justly, that the Sea appears the proper Element of the Americans—it behoves 'em therefore, in time, to lay the foundation of a formidable Navy, to build Ships (not for sale) but for their own use; to establish magazines, docks, &c.—for no man of common sense, can suppose that France or Spain have taken the part they have done merely *pour les beaux yeux des Americains*, anglice, merely from being captivated by the sweet countenances of the Americans, but, as the Italians express it, from *la ragione di Stato*—there is one point in particular, and that a most important one (I mean the Fishery) which I cannot perswade myself either France or Spain will agree that America shall have any share of, unless she is in a condition to enforce it—because if she has any share from the advantages of her situation, the enterprising turn and spirit of her people, she will be enabled to undersell the rest, and of course in a little time engross the whole or the greater part—I have no doubt but what I throw out on this head must strike you as it does myself—as to internal affairs I am extremely rejoiced that there is a prospect of a coalition taking place betwixt what are called Tories and the moderate men; for Liberty to be durable ought to be on the broadest basis possible; that is there ought to be the least number possible of the Citizens interested to overturn the system of Government established, or even from any distinctions or exclusions inclined to wish it ill—the narrow basis of that of Great Britain, or in other words, the inadequacy & unfairness of representa-

tion was the real cause of the subversion of that great and glorious Empire, which I cannot help (I am not ashamed to publish it) weeping over, and you, I dare say, must, from time to time, shed a generous tear in contemplating the ruin of so goodly a fabrick,—but peace to the shades of the departed and to return to the living I do assert then that unless a proper education of the rising generation is adopted a new way of thinking and new principles can be introduced among the People of America, there are little hopes of the present republican Governments or anything like republican Governments being of any duration—for of all the People on earth the Americans, (I speak of the Middle States) are the most destitute of all true republican spirit and ideas, Virginia, Maryland, Pennsylvania, and the Jerseys, have a monstously glaring propensity to Monarchy, or the consecration of one Man, on whose existence and continuation in power their whole glory, safety, and happiness They will needs have it; must depend, and if this one Man was to drop off They would of course look out for some other object of their earthly worship Do you know (for it is not from the purpose to relate the story,) that at a little place in the county of Stafford, called Aquia, a resolution was forme'd to assassinate me because it had been blazed about the Country that I had spoken profanely of the God of their idolatry? On this pious errand, a Company of the most zealous Crusaders, a Justice of Peace and Colonel of Militia at their head set out, with their loaded guns for the Tavern where it was supposed I was at dinner—I accidentally happen'd to have left it, about half an hour before their arrival—I was informed of the affair the next day and, contrary to the advice of some friends, took the same rout in my return, but passed tranquilly through the village, breakfasted at the house of the principal Knight, who keeps a Tavern, pay'd my reckoning and was thanked for my company—Now whether the smoke of their fanaticism had by this time evaporated, or they had been better

advised, I cannot say; but the whole is literally true indeed the People of Virginia seem to me to be a race of gigantic children, governed entirely by the humour of the hour—in a moment they imbibe the most violent and absurd prepossessions and in a moment, they are talked out of 'em. They are I think to be pityed for in some fatal moment they may from their childish hastiness, be talked into the forfeiture of their liberties and like the People of Denmark be irrecoverably lost in short they are not the proper materials as the New England are to form a solid lasting and wholesome republic—but to quit this subject or Essay; have you seen my quondam Aid de Camp Eustace? He was charged with some papers for your Press, if your Press is free, and I have not received a single syllable from him since he left me—nor do I know whether my letter to your divine Governor Mr. Reed, which was my capital performance, is or is not published for We have here as little communication with the great world or as little knowledge of what passes in it as we have of those of the Moon—Read's letter or address to the Public was a very dishonest one for I do not upon my soul recollect that He ever wrote me a letter to the purpose he mentions—He never requested me to second his opinion (I never heard it was his opinion) for the evacuation of Ft. Washington, but only informed me that it had been re:inforce'd—which measure I reprobated in the strongest terms, as answering no other end than making a present to the Enemy of just so many more troops, as the place cou'd not be defended for four hours, and, if defended, cou'd answer no one purpose—but of this more hereafter—my amusement here (for I am a wretched Farmer,) is reading, and finishing my plan for the establishment of a military republic—you and many others accuse me of want of religion, there never was a greater mistake—to convince you I send you my proem, from Cicero de legibus—I am persuaded that no Society can exist without religion, and I think the Christian; unincumbered of its sophistica-

tions, is the most excellent and [of course] of a divine nature as comprehending the most divine system of which but at the same time, I own, I quarrel with the tediousness and impertinence of the liturgies of the various sects, which so far from being the support are the ruin of all religion—as to the dogmas they are many of 'em not only absurd but impious as they are dishonourable to the Godhead or visible ruler and moderator of the infinity of worlds which surround us I therefore cannot help esteeming myself the [champion] vindicator rather than the Denyer and Blasphemer of the Almighty—but of this you must judge when my performance compleatly appears and in its proper dress—I receive'd the other day a letter from England, from my sister—the Post Mistress at Baltimore informed me by an endorsement that it came to Her office open—what am I to think of this—I have no doubt it came sealed to head quarters—and surely ('tho I allow it was in rule that it shou'd be opened and perused at Head Quarters) in common decency it ought not to have been subjected to the inspection of all the Post Officers and Post Boys on the road—America owes me more than she yet knows—the explanation of this I dare not trust by common correspondence, but when we meet I will explain it at large, in the meantime as Brutus says, my noble Friend, chew upon this that if it had not been for my zeal and address [art, zeal when I was prisoner] you had probably been lost—this riddle can only be unfolded to you when we meet—in the interim I conjure you by all the sacred ties [rights] of Friendship [not to] to keep this riddle to yourself—there are two men on the Continent to whom I have open'd myself and you shall be the third—You have often said that you were sure I was an Enthusiast in the glorious cause of the rights of Mankind, when I talk to you next this opinion, I flatter myself, will be more than ever strengthened or in fact absolutely confirmed. God bless you, my Dr Worthy Friend and my love to your sweet voiced sweet breathed

aimiable Wife, your sensible and I am persuaded virtuous and honest Father and Mother and my favorite her sister to whom if you had not thrown out some ugly innuendoes of my disparity of age I shou'd [certainly] probably have proposed [Marriage] giving the absolute sovereignty of Prato Rio and its Lord, but be this as it may, once more God bless you all.

C. LEE.

Spada and Sapho beg their compliments [to] your children and cats for I think you have not the honour of having any Dogs in your house—

My love to your most amiable wife and her aimiable Sister for such by my soul I think 'em, and to your most respected Father and Mother in law, to whom if I have been forc'd collaterally to give any uneasiness, I most sincerely lament but the provocation was too great for human patience.

[*Note.* The first part of this letter is copied from the original of which one sheet was found among the Lee Papers. The remainder is taken from the draft in one of the letter books, in which some words stricken out by the writer are here printed in brackets. The last paragraph above is evidently a second draft of the concluding portion of the letter.]

FROM BRIG. GEN. WAYNE.

Light Infantry Camp heights of Haverstraw,
20th October, 1779.

Dear Sir,

I rec^d your very polite favor of the 11th of August, some time since—but my papers and baggage being at a Distance, could not comply with your Request as soon as I wish'd—Enclosed you'll find the Disposition of attack, & Rough sketch of Stony Point—which I took a few days previous to the assault.

The encomiums you are pleased to pass on that affair—gives a sensation which I can much [better] feel than express, because they come from a Gentleman of the first

experience—whose Military abilities stand high in this age of the World.

Give me leave to assure you Sir—that if I have fought with some success—your approbation of my Conduct, adds not a little to the pleasure I experience on that Occasion.

Interim I am with much Esteem

Your most obt. & very Hum. Serv^t

ANTY. WAYNE.

Major Genl. Lee.

—

Enclosure.

Light Infantry Head Quarters

Fort Montgomery, 15th July 1779.

The troops will march this day at twelve o'clock and move by the right, making a short halt at the creek or run on this side Clements's. Every Officer and non commissioned officer will remain with and be answerable for every man in their platoons. No soldier to be permitted to quit the ranks on any pretence whatever until a general halt is made, and then to be attended by one of the Officers of the Platoon—

When the van of the troops arrive in the rear of the hill Z Colonel Febeger will form his regiment into a solid column of a half platoon in front as fast as they come up. Colonel Meigs will form next in Febeger's rear, and Major Hull in the rear of Meigs; these will compose the right column.

Colonel Butler will form his reg^t. in a column on the left of Febeger, and Major Murfree in his rear. Every Officer and Soldier are then to fix a piece of white paper in the most conspicuous part of his hat or Cap to distinguish him from the Enemy.

When the order is given to march, Colonel Fleury will take command of one hundred and fifty determined and picked men properly officered, and with their arms

unloaded, placing their whole dependance on the bayonet will move about twenty paces in front of the right column by the rout N°. 1, and enter the sally port *C*; Fleury will Detach an officer and twenty men a little in front with orders to secure the Sentries, remove the Abbates and other obstructions, that the column may pass through which will follow close in the rear with shouldered musquets under Col°. Febeger with General Wayne in person.

When the works are forced and not before the victorious troops as they enter will give the * watchword with repeated and loud voice, and drive the enemy from their works & Guns.

Should the enemy refuse to surrender or attempt to make their escape by water or otherwise vigorous means must be used to force them to the former, and prevent their accomplishing the latter.

Colonel Butler will move by the rout N° 2 preceeded by one hundred men with unloaded arms & fixed bayonets under the Command of Major Steward who will observe a distance of twenty yards in front of the column which will immediately follow under the command of Col. Butler and enter the Sally ports *C* or *D*. Major Steward will also detach a proper officer and twenty men a little in front to secure the sentries &c. As soon as they enter the works they are to give, and continue the watch word to prevent confusion and mistake.

Major Murfree will follow Colonel Butler to the first figure 3, when he will divide a little to the right and left, and wait the attack on the right which will be his signal to begin, & keep up a perpetual and gauling fire, and endeavor to enter and possess the works *a. a.*

If any Soldier presumes to take his musquet from his Shoulder, attempts to fire, or begin the battle 'till ordered by his proper officer he shall be instantly put to death by the officer next him; for the cowardice or misconduct of one man is not to put the whole into danger or disorder with impunity.

* The Fort's our own.

The troops in advancing to the works will observe the strictest, & most profound silence, and pay the greatest attention to the commands of their Officers.

As soon as the lines are carried, the officers of artillery with the men under their command will take possession of the Cannon, turn them on the shipping and the post on Verplanks point so as to facilitate the attack on that quarter.

The General has the fullest confidence in the bravery and fortitude of the Corps he has the happiness to command; and the distinguished honor conferred on every officer and soldier who have been drafted into this Corps by his Excellency General Washington, the credit of the States they respectively belong to, and their own reputation will be such powerful excitements to each man to distinguish himself that the General cannot have the least doubt of a glorious victory. And as a further encouragement, he engages to reward the first man who enters the work with five hundred dollars, and immediate promotion, to the second four hundred, to the third, three hundred, to the fourth two hundred, & to the fifth one hundred dollars, and will represent the conduct of every officer and soldier who distinguishes himself on this occasion in the most favorable point of view to his Excellency who receives the greatest pleasure in rewarding merit. But should there be any Soldier so lost to every feeling, every sense of honor, as to attempt to retreat one single foot, or shrink in the face of danger the officer next him is immediately to put him to death that he may no longer disgrace the name of a soldier, or the Corps or the state to which he belongs. As General Wayne is determined to share the danger of the night, so he wishes to participate of the glory of the day in common with his fellow soldiers.

True Copy from the Original Orders.

H. W. ARCHER

Vol. Aide de Camp.

The Hon Major Genl Lee.

DRAFT. TO BRIG. GEN. WAYNE.

DR. SIR,

I received your most obliging letter, the plan of the Fort or Redoubt of Stoney Point, and the copy of your orders for the attack—You are pleased to consider what I said in my last letter on this subject as encomiums—upon my word after having reflected again and again on the whole of the transaction, I have hardly done you justice—and I will venture to assure you that if you were desirous of entering into some of the great military services of Europe for instance the Imperial or Prussian, these testimonials must recommend you to the most honourable consideration—I declared to you that the applause this action drew from me, had not the least mixture of a design to form an interest on the continent and I once more assure you that it is not my wish to have any interest on the Continent as I am fully determined to leave it forever—I think I have been treated with cruelty and ingratitude it is true some of my Friends tell me that it is a common case in all countries and that if I will patiently wait, justice will be done to me—but as I find so great a propensity in a People to whom I have sacrificed ev'ry thing, the greater part of my fortune; my relations connexions and military pretensions; I must confess I have not philosophy sufficient to conquer the resentment boiling in my breast—I shall alway be a champion for the great righteous cause of American liberty—I shall always respect the virtue of her first Patriots, and above all I shall never retract from what I have always asserted, that of all Nations on earth the Americans when properly manufactured are the best Materials for soldiers and for the truth of this assertion some late events are strong confirmations and amongst these strong confirmations give me leave to say without flattery your affair of Stoney Point, stands foremost—

[This draft is imperfect. At the top of the page is written apparently as

the beginning of a date—what seems to be “Decr.” A recent pencil endorsement is below it: viz: “Gen. C. Lee to Gen. Wayne Oct 4th” [or 11th] “1779.”]

FROM BENJAMIN RUSH.

MY DEAR FRIEND,

I am distressed to think that all your friendly letters and messages to me have met with such ungrateful returns—I have written two letters to you. One of them was enclosed under a cover directed to Mr Wolford, & put into the post office—the other my little boy threw into the fire before I could hear of an opportunity of sending it—You see from this, that I have not been unmindful of you—You have wounded me in supposing that I am carried away by the tide of the times. I would as soon be suspected of picking a pocket as of infidelity in friendship or of idolatry in politicks.

Major Eustace informed me of your reply to Presid^t. Reed's publication. Our printers refused to give it a place in their papers. It was best for *you* they did so. Have patience. Time, and posterity will do you justice. The Summer flies that now din our ears must soon retire. Nothing but Virtue and real Abilities will finally pass muster when the public cool a little from the ferment into which the great and sudden events of the late revolution have thrown us. I would rather be one of your [dogs] Aids, in a future history of the present war, than possess the first honors that are now current in America, with the real characters which I know some of our great men merit. Poor Pennsylvania! has become the most miserable spot upon the surface of the Globe. Our streets have been stained already with fraternal blood—a sad prelude we fear of the future mischiefs our Constitution will bring upon us. They call it a Democracy—a mobocracy in my opinion would be more proper. All our laws breath the spirit of town meetings, and porter shops—But I forget that I am not

safe in committing my opinion of men and measures to paper—Oh ! liberty—liberty, I have worshipped thee as a substance ! But—It is now near 12 oclock at night—and I am much fatigued with an unusual share of business (for in the true stile of the *subject of a monarch* my family & my business now engross all my time & attention my Country I have long ago left to the care of Tim^r. Matlack—Tom Paine—Charles Wilson Peale & C^o) I must therefore bid you good night Wishing you at the same time all possible health and happiness, & am My D^r Lee

Your sincere and affectionate old friend

[BENJAMIN RUSH]

Major Genl. Lee at

Shepherds town, Berkeley County, Virginia.

Phil^a. October 24th. 1779.

FROM MRS. ELIZABETH TRIST.

Phila^d. October 25th. [1779.]

DEAR GENERAL,

Believe me your suspicions of Eustace are with out foundation for to my certain knowledge he wrote several times and very long letters, and you a good deal surprise me when you declare having only rec^d. a note.

Be assured you have not a friend on earth who regards you more than Eustace does and dares avow it too in every Company neither does he scruple calling *Craig* a Scoundrel and *Hamilton* perjured, which I believe is more than y^r. friends ever did notwithstanding the influence they have over you. I would wish not to contradict you, but I am convinc'd their opinions have and do sway you, and for a sensible Man you are the easiest impos'd on of any one I ever knew and tho you are nothing of a Courtier yourself yet you love flattery dearly and let any body commend your Oddity's (and you know you have enough of them) praise your

Horses and Dogs particularly *Spado* and they may lead you where they please, excuse me for the liberty I take but you know I am ever ready to speak what I think, and I now do declare that I detest and abhor every being on earth who wou'd cringe to or fawn on any Person in expectation of getting there Money and were you destitute of fortune those people wou'd be the last to notis you for I yet never heard of a poor Man that was troubled with *ear wigs*. I have shewn your letter to *Jack* make no doubt but he will again write and satisfy you likewise acquaint you of all thats doing in this Quarter, Edwards is returned quite fat and hearty he has been with Sullivan alias Major Sturgeon who march'd with a large body of men round Hyde Park corner and took possession of a *Pig Pen*. I suppose you get the papers if so you will see an account of the grand expedition. I am in a great hurry but can't conclude without signifying my disapprobation at being call'd Landlady for believe me I have not the least pretension to the title I don't possess one foot of land neither do I keep a Publick House. Mama is offended at the appellation too she says she supposes you think we originated from the Court end of *Wapping*. I dare say you will not be very well pleased with the contents of this letter for tis a little in the snarling order but I don't care for that, for if you *Twist* me so often as you do I will *stay Tape* and *Buckram* you every opportunity. But in spite of All of every Body and every Thing I am and I will be your friend—*Nourse* has been Ill with the fever which prevented me answering your letter, but is recovering fast. Colonel Flemin and Lady are with us and join Mama in Wishing you every happiness—Adieu—

ELIZA^h. TRIST. *mind!*

FROM JOSEPH NOURSE.

Philadelphia 25th Oct^r 1779.

DEAR SIR,

I thank you for those proofs contained in your Letter of the 1st Inst, for I regard them as a true mark of y^r friendship—You must consider that I have the duties of an office to execute and that my business engrosses too much of my time from my friends; but I do assure you, that in future I shall endeavour to be more punctual in my Correspondence—altho' I believe I may have written you letters that never reach'd you. Can you be so uncharitable as to conceive that because you are removed away from the busy world, that the services you formerly rendered this Country are buried in Oblivion? That because you are a proscribed man, my Letters are either shorter or my regard less, than if you continued the favourite of Fortune? I am convinced you cannot, I do not think myself capable of such ingratitude—I am in pain to think y^t you have ranked me amongst your *quondam* Correspondents, and more particularly so, that you do not think me consistent in my friendship. But my d^r Sir, cannot friends be of a different way of thinking on some points without the breach of friendship? how far this may be the case betwixt us I cannot pretend to say—it is very true, that we differ in opinion on some subjects, and that the sentiments I communicate are not so correspondent to your way of thinking, as some Letters that you may receive; however, so long as I am honest & despise flattery I think I act the Man and consistent with that friendship which I have always professed and I am sure General Lee's good sense will prevent any prejudices because my Sentiments are not to a tittle correspondent with his—I am sincere when I say that I am a witness of your having rendered important Services to this Country, that in the worst of times you discovered the Warmest attachment to it, & it is

with regret that I say your Services have not properly been considered. You have great reason to be out of temper, but I have always wished that setting aside personal enmities, the welfare of the Community shou'd govern all. Now, if from your writings I discover anything that I may think have a different tendency, altho' not intentionally done, yet the consequences are the same, and therefore cannot correspond with my sentiments—this does not prove that my friendship is inconsistent, if I acted otherwise I should prostitute my opinion, and so far from acting the man, I should be a rascal. Major Eustice wrote you a very long letter some time ago, he pointed out the many difficulties he met with, and that after all his endeavours he could not prevail upon any Printer here, to publish your Papers—He lodges at Mrs. Houses—he beg'd me to permit him to retain 3500 dollars of the Money he received for the bills, at the same time promising me that he wou'd repay me at a moments Notice—I shall call upon him in a few days for the money, and I hope you'll excuse my granting him his request—I shall send if possible all the things you have written for by General Bull's waggon, with an account of the money.—Mr. Gray has two thousand dollars for the payment of your taxes—Doctor Rush will write you a long letter, he feels like a friend for you, and whenever I meet him speaks of you most affectionately—Eustice will answer the Question respecting your Letter to M^r Reed—That a pupil should improve under so good a master is to me little extraordinary; the book you speak of, shall also be sent. M^r Jay is gone to Spain to negotiate a Treaty of Amity & Commerce. M^r Adams is going to France, to wait a negotiation with England, M^r Carmichael appointed Secretary for Spain, M^r Dana for England—2500 St. ₤ annum for the former & £1000 sterling ₤ annum for the latter—M^r Laurens is appointed to go to Holland to negotiate a Loan. The Treasury will be put in Commission—I expect a continuance as dep. aud^r. and as there is a prospect of

a permanent support, shall probably devote myself to it. I send you the newspapers. It is with pleasure I can certify to you that the Count has taken the Experiment, & a twenty gun Ship with the Transports at Savannah—Col. Maitland was attacked by a detachment of the Count D'Estaing's Army at Beaufort, but by cutting his way through a morass made his escape to Savannah.

The Count landed five thousand men which with the Continental Troops & the Militia make our force in that quarter near ten thousand strong—Prevost had secured himself in the town, the Count diffident of hazarding an Assault intended to make regular approaches, and we flatter ourselves highly, that he is now in possession of the town—I saw a letter to day from Mr M^cHenry one of General Washington's Secretaries. he informs that from the information lately received at head quarters they have every reason to expect a speedy evacuation of Rhode Island—General Sullivan has been fortunate in his expedition to the Westward—Upon the whole I think we have much reason to be thankful to the God of Armies who has so unmeritedly bestowed so many favours upon us, that we are now blessed with unanimity amongst our
a
prospect of the chain binding us yet more strong. The greatest Consolation I find in this World is the hope of a better. I have lived long enough to know that Riches & Honours are inadequate to our Happiness & that the mind of man must have another support to prevent him acting unworthy of his Station, in fact I believe that the Account summed up is no more than that Riches & Honours are vain, without Christianity, & that the Christian alone is the happy man—the Vanities, the Censures, & the Wickedness of the World he patiently bears, at a time that the Man of this World is rendered truly unhappy. That you may be happy both in this and another World is my Sincere prayer, & is the sincerest proof I can give, that I am with much regard, D^r General,

Your constant & devoted friend

JOSEPH NOURSE.

[FROM BRIG. GEN. ROBERT HOWE.]

North Castle 30th Oct^r 1779.

By a reproach in your Hand Writing in a letter of Major Eustace's dated long since but only lately received, I find my Dear Sir you have not got two letters of mine one written from the Raritan in June last and one from _____ in September this indeed you could not have received when Eustace wrote me. As my friendship for you was not founded upon the opinion of Either Private or publick characters, it can neither receive encrease or suffer diminution by any Collateral Circumstances. It took its Rise from my own knowledge and opinion of you, and from a sympathy by which I found myself led to esteem you the moment I knew you, and which the opportunity of an intimate acquaintance has so firmly established that it will know no alteration unless by Encrease, and this I doubt not you do me the justice to believe Notwithstanding the hint you jocularly give me in your short paragraph. I have been 'till very lately on a separate Command next the Enemies lines, their adopting a Defensive Plan put it out of my power to call them forth tho' I frequently endeavoured it—All then that was in my power, was to keep them in a Constant state of alarm to drive in their small parties whenever they come out & to cover the Country, and this I flatter myself has been effectually done. Some sprightly things have been done by small Parties of mine. Col°. White went many miles within their lines, brought off several Prisoners, took forty Horses, had action for a considerable time with superior numbers _____ those he had taken, and is highly honoured by the Enemy for his spirit and conduct. Lieut. Gill on a Patrolling Party with Horse was surrounded by a large body of the Enemy's Horse, he had nothing for it but to cut his way or surrender, he nobly resolved upon the

former which he executed with the gallantry of a good soldier—he had no sooner freed himself from these than he found a considerable number of Infantry in his front—he charged them with such address and Vigour that he broke thro’ them with the loss only of two men, but when he thought all was over and was Huzzaing for his Success an accidental shot from a straggling soldier brought down his horse and he was taken! His Party however was saved before it happen’d, the Enemy treat him with particular distinction, and by a Flag have given him great applause. I an adventure over upon Long Island in the neighbourhood of a Post, this Major Tallmadge conducted destroyed a number of Boats they had collected, brought off

[The remainder of this letter is wanting.]

[FROM JOSEPH NOURSE.]

Philadelphia 20 Nov. 1779.

DEAR GENERAL,

Your Orders Countermanding the former orders I received too late, as I hope by this time you are well acquainted with & that the several Articles viz: the wine, the Rum, the Sugar, the Coffee the Chocolate, the Coffee pot &c. and the *Cloth*, have all been received. You have no doubt called me a fool ten thousand times for sending you the Cloth, but you must consider that I came within the Law against forestalling & monopolizing, and that as I concluded you did not want the money immediately, & that a Chap might offer, of the two difficulties I had to encounter I thought I chose the least—send them back again by General Bulls wagon, the Carriage will be very trifling, & they will be under the care of a good man, and I can sell them to advantage. I am astonished at M^r Eustaces conduct. I believe necessity must plead in his favour, he promised

that he would write to you and satisfy you upon the subject—he is gone to Cha^s Town, where he hopes to avail himself of the advantage of a flag and go into New York, to see his uncle who I understand has money of M^r E. in his hands. Genl. Bull tells me he has enquired, but has been disappointed—including the Money M^r Eustace has, I believe our Accounts are nearly balanced—& the state of my finances (for since I commenced House keeper I have been extremely poor) is such, that I have not above an hundred dollars left.

I hope you will be more comfortable in the lower parts of Virginia than in Berkeley—Some of the Virginians are not so contracted in their Sentiments nor so greatly wrapped up in their Deliverer as to refuse you hospitality, they have given marks of their Liberality upon former Occasions, and I hope you will experience it upon this Occasion, however, I will suppose you are, as I wish you to be, independent of the frowns of a wicked world.

If you disapprove of my conduct with respect to my lending Eustace money, I must be a sufferer if you insist upon it, but I do assure you at the time I permitted him to retain it, that I thought your partiality so strong, that you would have obliged him on the spot. I do not know the state of his affairs, but I believe he is a young man of too much Honour to do anything wrong. He was much distressed and told me he would write to you on the subject—Pray when shall we see you in Philadelphia? Doctor Rush sent you a Letter the week before last, I thought it best to enclose it in mine. I send you the Papers—as to Politicks I do not know much about them—some are of an opinion that Peace will be brought about this Winter the baron de Kalb (who some people allow to be as well acquainted with the Politicks of Europe) writes to a friend in town that we shall have a very sudden Peace, and that New York will be evacuated this Winter—the departure of the Troops from Rhode Island leaving their Hay their Wood & Clothing for the Poor, has caused much specu-

lation. Do you think we shall have a speedy Peace—the Chev^r de Luzerne has been introduced—Congress received him very politely, their Addresses are in the Paper—Adieu I shall send you the clover seed if to be had altho I may run in debt for the money & a long letter by G. Bull.

FROM MICHAEL DOWDELL.

Yorktown November 19th 1779.

DEAR SIR,

The Eleventh day of this Instant November I received a letter from you, to me directed, dated the fourth day of September, which Letter came to me as if it had been opened three or four times I also rec^d it open.

The Contents of the Letter contains mostly on a re-exchange between the horse and Mare we Changed for some time agoe, you likewise mention to me that I ought to be ashamed of giving you the horse again for the Mare, and to ask hard money to boot—Dear Sir, I mean it not in such a Light, but had the Mare the Colt yet living, I would freely reexchange without saying one Word but would say—*done*.

If you again fancy the horse though had partly sold him Just before I received your favours for thirty half Joes—and if you will permit me to ask or demand the value of the Colt, which is twenty eight Guineas I value at, though the real worth thereof to contain a great deal more, out of which twenty eight Guineas I allow the Number of Guineas you gave me to boot to be deducted, provided always that the Mare still to be in good order, and without hurt or failing as you received her of me—however a few Guineas will not make much difference between you and me.

The horse I have in Glorious fine Order, and have had Exceeding great Trouble, to get him in such Trim, have also on account of your Letter made Null and Void the Bargain of Sale partly concluded upon as

above mentioned untill such times I shall have the Pleasure to obtain a few Lines in answer to this.

You also mentioned in yours that you had written some papers in the cause of the Oppressed part of the People of Pennsylvania to the Printers to be Inserted in the Papers, but depend upon it, that nothing of such kind will ever be printed in News Papers for fear of Opening the Eyes of others, who are continually lulled to sleep. The Assembly of Pennsylvania have passed an Act lately, that if the Militia are called, and those who do not turn out in Defence, that at the Discretion of the Sub-Lieutenant to find such delinquent from one hundred to one thousand pounds—smart State Law indeed for Sons of Liberty frequently and the General discourse mentioned.

The Wheat in our parts here, have lately risen to twenty pounds and but little can be bought for that price—Rye, to thirteen pounds, Indian Corn ten pounds, a Cord of Oak Wood to ten pounds—Ye freedom Sons—help yourselves and get hard Specie where you can.

By good Authority am Informed that about Schuylkill Wheat was at thirty pounds, and have advertized such Price for it, it is expressed it will raise to one hundred Dollars per Bushel before Spring, Pork rates 20% per H. Beef @ 12/6—the Great Lamentations of poor People is admirable I am afraid that some poor Family's will near starve, whose Cases are to be pittied.

Good Course Allum Salt, rates at Eighty pounds per Bushel with us—cut and dry—coffee at twelve dollars per H. & Sugar at Six dollars, the Speculators have every Advantage in their own hands.

About the Savannah and Georgia Expedition, the News, will not much relate. I am of opinion, that it has not turned out to Expectation the Countenance of Whigs seems to be rather down about it.

If you agreeable to my sentiments in part of the foregoing Paragraphs, would fancy the horse, If you Immediately with one of your Trustees send the Mare in good Order—with the Money I will directly with such Per-

son or Persons by whom you send deliver the horse, if I see the Mare & like her—two or three Guineas will make no manner of Difference between us.

If you should not approve of my Proposals you will please to favour me with a few Lines which direct to Balser Gull Hatter in Hagers Town, from whence it will be forwarded Immediately.

I am Sir, with Great Esteem

Your very hble Servt

MICHAEL DOWDELL.

Genl. Chas. Lee

at Porto Rio, Virginia.

FROM MAJOR JOHN S. EUSTACE.

Philadelphia

M^{rs}. Trist & M^r. Nourse have shewn me their letters from you—and very sorry am I Genl. Lee that my *supposed inattention* should be their principal purport.

My own feelings, was all I ever promised or wish'd for, to counter-balance the anxiety I've had on your account—and if *due credit only* was given me for the quarrels I've engaged myself in, from my fix'd and determin'd attachment to your character and honor—I should have been perfectly happy—The *sychophant* will ever gain the ascendancy over the *disinterested character*, and since this has long since been my opinion—I cannot say I was so much *surprized* as *chagrin'd* at the declarations of your letter to Nourse.

I've ever considered you Sir, as the most exalted and independent Patriot on this Continent—I've ever admired your superior understanding, and beheld you *in every instance*, as a strictly good, great, and honest man—from these reasons, Sir, have I taken the liberty of joining myself to the *short catalogue* of your friends—& these reasons will preserve my attachment to you—

My private affection & esteem for you, is perfectly dependent on *your behaviour to me*—but my public and avow'd enthusiasm for you can never cease—while I am bless'd with existence—twenty letters (moderately speaking) have I written to you—'twas not convenient for me to be the bearer of each myself, and therefore in writing and putting them into to (what I rather wish'd than believ'd) a safe conveyance, I did everything in my power.

Conscious of this you will readily suppose I was not a little mortified at your credulity—I wish you were better acquainted with me Sir, and you would know that was my fortune as independent as my disposition I shou'd be the most wealthy personage on earth. If you Sir, have ever committed your *paternal declarations* to paper, erase them, and then put my passion for you to any tryall you please, and if every part of my conduct is not pregnant with determined attachment to you, then and not till then, inveigh against me.

Tomorrow I shall sett out for Camp as A D Camp to Mr. Reed—there is a probability of something being done, and as it may be the last, I am resolved to make one more pluck at the *Laurell bush*. I shall write you by every Conveyance and if my good stars permit me to return—I shall hope to see you.

FROM THE SAME.

Philadelphia, November 28th 79.

MY DEAREST FRIEND,

I acknowledged the receipt of your letter (enclosing my mother's and sister's) a day or two ago—and now I've to reply to yours for M^r. Trist.

I need not assure you of the happiness that declaration *respecting myself* afforded me: or of the uneasiness your disapprobation *of any part of my conduct* occasioned. I conceive it a duty incumbent on me Sir,

to remove any unfavorable impressions consequent to my appointment in the family of Mr. Reed.

I still retain an honorable Commission in the United States service—and nearly ten months have elapsed, since I have been on the active theatre—and my removal from the military line has, by different persons, been ascribed to different causes—However great my contempt for the opinion of the world may be (in their present state of corruption & vice) I yet received some uneasiness from the Ill natured whispers, which were circulating in this infernal hole—and when the Count was expected at New York, and 'twas generally imagined an attack wou'd certainly take place, I was sanguine as to believe we shou'd be successful, and of course thought it wou'd be the last opportunity I shou'd have of repeating my efforts in this glorious struggle. I had a rivetted aversion to the whole Tribe of General officers (S^t. Clair & Gates excepted) and had determined to attach myself to some good corps in capacity of a volunteer—however Mr. Reed sent for and requested me to act as an aid in his suite—I knew him to be a distinguished soldier—indeed I was particularly partial to his military character and chearfully embraced that occasion of making one more grasp at the Laurell Bush.

Mr. Reed, Sir, *and every other person in, and near, Philadelphia are conscious of my unchangeable enthusiasm for your honor & welfare. They who differ with me in opinion respecting you (either from the dictates of interest, stupidity, or fashion) have never made your conduct (before me) the subject of conversation, and if they had, I can promise you, I shou'd at least have been impudent to them.*

I met Hambleton the other day in company with the *favourite Green the Drunkard Stirling*, and their several classes of attendants—He advanced towards me, on my entering the room with presented hand—I took no notice of his polite intention, but sat down, without bowing to him or any of the clan—(It happen'd to be

at the Q^r. Mr. Generals office at Morristown) he then asked me if I was come from Camp—I say'd, *shortly, no*, without the usual application of SIR, rose from my chair—left *the room* and *him standing before the chair*. I cou'd not treat him much more rudely—I've repeated my *suspensions* of his *veracity on the tryall* so often that I expect the son of a bitch will challenge me when he comes.

If he does he will find me as unconcern'd as he can possibly be anxious.

Yesterday your two letters reach'd me in one of which you've fully gratified my inclination respecting the & mare and for which I am much obliged to you.

I have had an interview with my unkle at Staten Island—He treated me with extreme politeness and urges the propriety of taking a trip with him to England. I confess my own inclination tends strongly to a compliance with this proposition—but I shou'd first wish to have your assent and sentiments thereon—'Tis a step, on which there is too much depending to be hastily undertaken—and I must beg you to write me—

Little Nourse permitted me to retain five and thirty hundred dollars in my hand, to make a purchase with—He call'd on me t'other day for it—I told him, I wou'd make sale of the articles I had bought and pay it to him in the course of a few days. He say'd he had not mentioned the matter to you and beg'd me to do it in the letter I was then writing and sending open by him—and the next day told me he had received a letter from you, purporting your intention of drawing on him for it immediately—I pay'd him the money by disposing of a Horse I had for sale, in preference to selling off the Goods I'd to dispose of, as they are increasing in price dayly. But I'm exceeding angry at his desiring me to trouble you on the subject, when he himself with *equal stupidity* had wrote you before—for I told him at the time I got it—if you call on me at a time when I have not the money in my possession I will remove that inconve-

nience by selling this horse immediately. This I did and the debt's discharg'd.

Oh General, have you wrote to Major Cuthbert, or not? I'm truly anxious to know—as the happiness of the family rests solely (almost) on your decision.

Our worthy friend Genl. Gates will hand you this—He tells me you are on a visit to sweet Potomac: I'm glad of it—the present season is rather too cold for your icy walls, and had you passed the fall within them the consequences might have been disagreeable—How soon I shall see you is my dear friend very uncertain—However I will strain a point to visit you immediately after Christmas.

This letter I began a fortnight ago, and for want of a Conveyance kept it ever since, and have made occasional additions to it.

I shall not leave Phil^a. 'till I set out for Prato Rio so you may be assured of hearing from me constantly—y^r. eternally

J. S. EUSTACE.

Decemb^r. 12th 79.

Genl. Lee.

FROM MAJOR EUSTACE TO THOMAS LEE.

Phila : Dec^r. 12th 1779.

Don't imagine Tom that I have *remembered to forget you*. If writing to you my dear, can afford you any satisfaction believe me I need no other inducement and in future a letter for you shall accompany each one I address to my best of friends.

If I had not forgot the particulars of your memorandum I shou'd embrace this opportunity of forwarding them—therefore in your next re-mention them and I will carefully procure them. The sum I received from you will not purchase much at the present exorbitant prices of articles—but as the money has depreciated *at least*

a hundred p^r. C^t. since I borrowed I make good to you the deficiency, and should y^r. memorandum ever exceed that, I'll forward the whole and we can adjust our accounts at some future period.

This I suppose will find you at Prato Rio after your return from Potomac—if so pray let me know how all my friends are generally and particularly God bless you my boy—adhere strictly to the advice of your excellent monitor and you've my assurance & oraisons for your success in every literary attempt.

J. S. EUSTACE.

Have you got my Buckle—let me know.

Tom Lee.

FROM MAJOR JOHN S. EUSTACE.

Philadelphia, December 13th. 1779.

SIR,

This accompanies a long letter, with, which you shou'd not have been troubled, had I (*before this moment*) been made acquainted with the circumstance, which gives birth to the one, I am at present writing.

I waited on General Gates this morning with the letter he is charged with. He told me you were gone down the country, and there was no probability of its meeting a conveyance. I however beg'd him to take and forward it when convenient. He ask'd me, "If I were not on *bad terms* with General Lee"—I told him I supposed not—because, says he "Nourse tells me you borrowed some money of Gen. Lee—and the General was so exceedingly angry at its being lent you, that he ordered Nourse to get it immediately for he wou'd rather have it thrown into the river, than Eustace shou'd have it." In the first place General Lee, M^r. Nourse was guilty of an unnecessary piece of conduct in mentioning the matter to you, as he cou'd have got it return'd immediately upon application, as I was determined

to sell a horse for the payment of it, if I had not the money when he call'd upon me—and when he did call and said you were to draw on him for it—I told him he might have the *Horse for the same price I ask'd for him when I borrow'd the money*, as the most equitable mode of adjusting the debt—or I wou'd sell him at vendue, or *he might take him for sale*, if he sold for more than the sum, he shou'd refund the overplus, if for less I would make it up—he assented to the proposal, took the Horse, and paid me the remainder—Now, what business Master Nourse had to gabble this matter to General Gates I can't conceive, and if he does not give me a satisfactory reason, I'll give him a most infernal Horsewhipping by G—.

Mr. Nourse is a good, honest, clever little fellow—yet I do not comprehend the necessity of writing in such a stile to Mr. Nourse of me—nor I shall Sir ever again suffer it—I've ever thought and said Sir, *that had you, your passions under a perfect command, as they have you*, there wou'd not be your equal on earth—But I am perfectly tired of having my peace of mind disturbed by the daily alterations in your temper—I therefore am determined to withdraw myself from their influence. I've no idea faith of battling your cause, on every occasion with civil and military, adding to the number of my own Enemies, and then to have my exertions compensated for, by repeated abuse of me, in letters to snotty-nosed clerks and interested sycophants.

To your friendship Sir, I bid adieu—of every connexion with you—I take leave with a painful kind of pleasure.

My present dispute on your account—I must pursue *if my opponent pleases*—even to the field—but in future General Lee and Major Eustace are perfectly disunited, and tho' the little puppy has gratified his inclination, by accomplishing the difference I'll give him such a correction as will at least counterbalance his sensations.

I sincerely Sir wish you all the health, honor and happiness I ever did—and if ever personal danger, is requisite to remove those clouds which malevolence is ever forming, I will still cheerfully encounter it.

JOHN SKEY EUSTACE.

TO MISS SIDNEY LEE.

Prato Rio in Virginia, Dec^r 15th 1779.

MY D^R SISTER,

I wrote to you a letter two months ago, but as in the present circumstances of affairs there are a thousand risks that a letter will not arrive, I think proper to send you a duplicate. Your letter from Chester, dated Jan^y the 23rd came safely to my hands: in the course of this and the last year, I wrote to you two letters informing you of the state of my health and spirits, the two points which I know from your natural affection and tenderness you must be most solicitous about. They have both, thank heaven, never failed me a single day, and until I am conscious of having committed some unworthy action (which I can assure you is not at present the case) the iniquity of men shall never bear me down. I have, it is true, uneasy feelings, but not on my own personal account; I feel for the ravages and devastations of this Continent, and the ruin of thousands of worthy individuals; I feel for the empire of Great Britain, for its glory, welfare, and existence. I feel for the fortunes of my relations and friends, which may receive a dreadful shock in this convulsion. I have been accused of making it my study, and perverting all the talents I am master of, to involve my country in the ruinous situation she now is in: you know, all my correspondents and acquaintance know, how false this imputation is. I will not enter into political retrospections, as it is probable my letter will be opened before it

reaches you, but I hope I may safely appeal to the substance and spirit of the letters which the public have already seen, for the integrity of my intentions. I mean the letters addressed to Lord Percy and General Burgoyne, wherein I prophesied the fatal events that have followed. I cannot help lamenting that another which I wrote to General Gage (wherein I labour'd to open his eyes) was not publish'd. I personally lov'd the man, but he has much to answer for, not less I will venture to say, than the blood of one hundred thousand Englishmen, or the immediate descendents of Englishmen; but he has to answer also for the subversion of the mighty fabrick of the British Empire; but I am running unawares into politics, the subject it is my business to keep clear of. You express a concern for my personal honour: as I suppose you allude to the affair of Monmouth, all I shall say is that, as I believe the proceedings of the Court have been sent to England, and as you have eyes to read, and judgment to make comments, I may be entirely easy on that subject; but as it may possibly happen that these curious records may never fall into your hands, be assured of this, my Dr Sister, that if the transactions of that day were to pass over again, there is no one step I took which I would not take again, and that there is no one measure I adopted which will not stand the test of the severest military critics, and in point of spirit, of the most enthusiastic grenadier; so once more, I conjure you to be at ease on this subject, as I have from the beginning. I have now only to beg my love to all my relations and particular friends, to the * * * &c &c

God bless you, my Dr Sydney, send you long life and uninterrupted spirits; this is most devoutly the prayer of your most affectionate Brother

CHARLES LEE.

TO MAJOR GENERAL GATES.

Prato Rio Dec^r ye 19th 1779.

MY DR. GATES,

I have written to you, I suppose, at least half a dozen letters but have never receiv'd the least scrap of an answer, which I attribute to the difficulty of finding means, rather than to any failure in your Friendship. You, I understand are coming up, I unfortunately am going down the Country for the winter, and shall not return but with the Swallows, so that I shall not have the pleasure of abborching (to use a French Term) for some time, which I sincerely regret as I have many things to communicate to you very interesting to our public and private affairs—With respect to the first, They are in my opinion in a most horrible situation. We have neither money nor credit nor reputation—the failure of the crops aggravates the wretchedness of our prospect—but these considerations, alarming as they are, are still not so hideous as the glaring want of every republican quality and idea manifested through the majority of the States—Of all People on earth the People of America (I mean the middle States) are the most wretchedly qualify'd for the mode of government adopted—the project of making excellent raisors out of the bluntest wood, wou'd not be more absurd than a plan of Republican Governments in these Countries—the press is entirely stopp'd, and that degree of freedom of conversation that is admitted at Constantinople is not tolerated in Virginia Maryland or Pennsylvania—the morals of the People are entirely corrupted, to so great a degree indeed, that when two Neighbours meet, each keeps his hand on his pocket, if there is anything in it, lest it shou'd be pick'd by the other—in short virtue which is the foundation and sine qua non of Republics has taken her departure and left not a wreck behind—What will you say is to be done?—in my judgment there is only one measure which leads to salvation—

and this is, I care not who knows my sentiments, to propose to the English General (who it is said has full powers) a cessation of arms by sea and land for three, four, or six years—and that during this cessation each Party should hold undisturb'd what at present She is possession of—the French from what I have seen of the Treaty cannot complain of this measure as a violation of faith—and America will have time to look about her to examine and consider, the state of her resources in men provisions Maritime force and revenue—but above all the quantity of those virtues which are requisite for federate republican Governments.—If they have the sufficient quantum of virtue the system adopted may be adher'd to; if They have not They may take their choice of a Protector, whether France or England—but to quit public speculations and come to our own; I am confident as I am of my own existence, that it is the determin'd purpose of that dark designing sordid ambitious vain proud arrogant and vindictive knave W: to remove me from the face of the earth by assassination direct or indirect, and to ruin your fame and fortunes forever—for my own part, who have no family, and am tired of this rascally Planet, I am indifferent when the stroke is struck—but you who have a wife and child, you, I say ought, to take your precautions—but to descend from this very serious tone to another tho' far from unserious You have My Dr Gates, an only son, who I think without compliments has exceeding good parts and a better disposition—Can you answer it to yourself in suffering those few years of capability of acquiring the knowledge of a Man and Gentleman being thrown away? He is at present Aid de Camp to his Mother, Mason, Mawler of rails, fatter of Hogs and everything but what he should be an indefatigable Candidate for the attainments necessary to qualify him for the Son of General Gates, as I sincerely love and esteem you I wou'd have propos'd (but I knew it wou'd be in vain) to take him under my tuition *pro tempore*—I cou'd have at least under

taken to have made him, in some measure, a Latin and English Scholar—this I know is a tender subject; I ought perhaps to make an apology for my freedom, and must request you will not communicate it to your Wife, who, sensible as She is, is still, like Harry Piercy's gentle Kate, a Woman ——— have you got my fine Mare from Bradford? I hope you have and will bring her up—My love to that excellent young man Armstrong, to your Pole, to Mons. Clergeon—& a toute la Cour de votre Excellence—Adieu—God bless you—
C. LEE.

Direct to me under cover to James Hunter, Esq, near Fredericksburg—if Edwards falls in your way, I beg you will shew him all the civilities in your power.

FROM COL. ELEAZER OSWALD.

Poughkeepsie, 24 December 1779.

DEAR GENERAL,

I flatter myself that you will not charge me with being deficient in point of attention to you when I assure you that my silence hitherto has not arisen from a want of that Esteem & respect which I shall always entertain for your character, but from a combination of the most untoward Events, which have been excessively embarrassing both to M^r Goddard & myself as well as ruinous to our concern. As a Narrative of the Difficulties we have had to encounter since our Connexion (which commenced almost at the very instant of the Publication of the unfortunate QUERIES) cannot but excite disagreeable Sensations in a mind possessed of your sensibility, I shall therefore wave a detail—but on the supposition that you are not totally unacquainted with our Misfortunes, I take the Liberty of referring you for particulars to M^r Goddard, who, perhaps, will be the Bearer of this, as he is determined to make you

a Visit—Nothing would afford me greater pleasure at this Time than to accompany him, but my present remote Situation is an insuperable Obstacle to that Satisfaction. He has been proceeded against with the most unmanly resentment by an execrable Junto who infest the Town of Baltimore, because he has dared to act with the Freedom and Spirit of an honest man. The persecution & Insults which were administered to him by scoundrels in power (both legal & usurped) in his different applications for Justice, and in support of the Blessings of a free-press, are unparalleled in a free Country—Yet, notwithstanding, I trust the Period will arrive when he will obtain the fullest satisfaction—the People of America be convinced that some of their most meritorious servants have been treated with glaring Injustice & black Ingratitude—and that their preservation does not depend on one Man. This Sentiment would be highly treasonable if advanced within the verge of an idolatrous Sett of “Toad-Eaters,” who surround & influence almost all our public Councils both in the Cabinet and in the Field—but such is the Temper of the Times that every one who does not join the present prevailing spirit of Servility, must be hunted out of society, by a Pack of Hounds, in human Shape, not endowed with half the Humanity of your faithful Spado, or *lap-dog* Argos—I mean no reflection on those two honest domestic Quadrupeds.

You have, no doubt, a proper Idea of the detestable Spirit of Tyranny, which demonstrated itself in the Town of Baltimore, and in the City of Philadelphia, on the appearance of the Queries (and which unfortunately for a Country who are contending for *Freedom & Virtue*, is still permitted to diffuse itself among all ranks of People) and will I hope exert your abilities in crushing the horrid Dæmon, as well as in restoring the People of this Continent to their Reason, thro’ the channel of a free Press, which Mr Goddard and myself are determined to support at every risque, as soon as our Materials shall arrive (and which we hourly expect) from Holland.

I shall be extremely happy to hear from you whenever you have Leisure and Inclination to honor me with a Line or Two—You doubtless have many Friends who require your attention in this respect, but I can with Truth add, that you have none who tenders you his Friendship with more sincerity, or who is more fully convinced of the Injustice and Ingratitude with which you have been treated—And altho' the absurd Sentence is overpast, yet the same mean and vindictive spirit which directed your prosecution is still opposed to you; but I hope, you will, in the Sequel obtain a complete Triumph over all your Persecutors.

I am, with every Sentiment of Respect and the most sincere attachment

Dear General,
Your affectionate Friend,
ELEAZER OSWALD.

N.B. Should you be disposed to write me, please to enclose it to Miss Goddard at the Post Office in Baltimore.

To the Hon. Major General Lee,
at his seat in Berkeley C^o Virg^a

(Recommend[ed to] the particular Care of M^r James Smith, Mercht. in Frederick Town.)

Baltimore, Feb. 4th. 1780.

Rec and forwarded by Sir,
Your most obt. & most humble Serv^t
W. Goddard.

TO THE PRESIDENT OF CONGRESS.

Berkeley County.

SIR

I understand that it is in contemplation of Congress, on the principles of economy, to strike me out of their service. Congress must know very little of me if they suppose that I would accept of their money since the confirmation of the wicked and infamous sentence which was passed upon me.

I am Sir, your most obedient servant,

CHARLES LEE.

P. S. Excuse my not writing in my own hand, as it is wounded.

The Hon. President of Congress, Philadelphia.

FROM JAMES LOVELL TO GEN. GATES.

22nd of January 1780.

DEAR SIR,

Your Favors of Dec^r 30th. and Jan^y 9 are before me, valuable proofs of your friendly Confidence in my honest zeal for the Public Good. The news papers which M^r McAllaster will deliver you contain many Speculations upon the subject of Currency; but of all, Peletiah Webster bears the Bell in last Thursdays publication of 2 letters.

We are aiming at a Curtail of Expence by Inspectors to visit & break up unnecessary Posts in the Staff Departments, and reduce the Number of Officers; and also to lessen the number of Horses & Waggons in the Army. In short we are beginning to do many Things that ought to have been done a year ago.

We have no Money *now* to squander upon A, B, C,

& all the Letters of the Alphabet under the sole Restriction of "he to be accountable."

We have Letters from France to the end of Sep^r but nothing material. A. Lee was then at Paris. On the 10th a Vote was carried that Major Gen^l Charles Lee be informed that Congress have no farther Occasion for his Services in the Army of the United States." 5 ayes 4 noes 3 divid^d. It was upon reading the following Letter which, in my opinion is forged—

[Here follows a copy of the preceding letter.]

I shall have a better Opportunity of writing by Co^l. Bull I hope—I mean that I shall be less in haste.

Present my affectionate Compliments to your Lady & Son, and be assured of my most hearty Regards to yourself.

JAMES LOVELL.

You should have mentioned the N^o of the Journals which you carried with you I suppose I have gone far enough back. By Col. Butler I will send what may be farther printed.

1780 will be given out *Monthly* without yeas & nays.

FROM JAMES NOURSE TO GEN. GATES.

Tuesday 25th Jany. 1780.

MY DEAR SIR

So severe as the weather has been if Roberts had come to me to have overlooked the feeding my stock I would have taken a peep at you, but without constant attendance my people would have froze e'er they would have warmed themselves at work tho' absolutely necessary to keep my stock alive & themselves & us in firewood—Being just naked for shirts and shifts both Wife & self & having money by me which I

feared was depreciating every day. I made this day sennight a forced march to Winchester—where I paid 75 dol $\frac{3}{4}$ yard for a 2/ linen—This I remark to you as I hope in God 'tis' come to a Crisis. I met there Gen' Lee—in conversation for we lodged at the same inn he told me that his answer to a member of Congress who had wrote advising him not to take his pay was—That every one that knew him could not suppose he would after the usage he had received. And yet I have good foundation to believe that he is drawing his provender at least for his horses from the Commissary there, he told me he purposed boarding there till the Spring.

I shall be very sorry if our Assembly have given the enemy any reason to expect a disagreement as it may encourage a perseverance—but am inclined to think they are often misunderstood, nor am I convinced there is not as much virtue among them as in their sister—nay in their Sister Northern States—As Roberts came yesterday I shall see you in a few days. My wife is much out of order or she would write to Mrs Gates—She loves you both & longs to see you—& I am Dear Sir, with great esteem, Yours

JAMES NOURSE.

TO THE PRESIDENT OF CONGRESS.

Berkeley county, January 30th 1780.

SIR,

I have this day received your letter, with my dismissal from the service of the United States; nor can I complain of it as an act of injustice. The greatest respect is indisputably due to every public body of men, and above all to those who are the representatives and at the same time the legislature of a free people; and I ingenuously confess that the note which I dictated was so far from being dressed in terms properly respectful, that they were highly improper, disrespectful and even contumacious. But altho' I do not mean to justify

the measure, I flatter myself I shall be able to extenuate the offensiveness by relating the circumstances which gave birth to it. I unfortunately, Sir, received letters from two friends, whose zeal for my service was greater than their intelligence was authentic, informing me that the same men who by art and management had brought about in a thin house the confirmation of the absurd and iniquitous sentence of the court-martial, were determined to pursue the matter still further, and on the pretence of oeconomy to make a motion for the final removal of me from the army as an incumbrance. It happened that at the very moment these letters came to my hands, I was very much indisposed, so as not to be able to write myself, and at the same time my horses were at the door to carry me down the country, where business called me. The bodily pain I was in, joined to the misinformation I received, ruffled my temper beyond all bounds; and the necessity of setting out immediately prevented me giving myself time to consider of the propriety or impropriety of what I was about; and thus these two circumstances concurring gave birth to the note which I dictated, which no man can more sincerely reprobate than I do myself, and for which I most sincerely beg pardon of the Congress. But, Sir, I must intreat that in thus acknowledging the impropriety and indecorum of my conduct in this affair, it may not be supposed that I mean to court a restoration to the rank I held; so far from it, that I do assure them, had not this incident fallen out, I should have requested Congress to have accepted of my resignation, as from obvious reasons, whilst the army is continued in its present circumstances, I could not have served with safety and dignity. My present acknowledgements, therefore, of the impropriety and indecorum of the measure I suffered myself to be hurried into, and my submission, without a complaint, to the consequent decision of Congress, will, I hope, be attributed to the real motive, the conviction of having really done wrong. I shall now, Sir, conclude with sincerely wishing that Congress may find

many servants ready to make as great sacrifices as I have made, and possessed with the same degree of zeal for their service as has from the beginning governed all my actions; but with the good fortune never by one act of imprudence to incur their displeasure: and I can, without arrogance, assert, on self examination, that this is the only step in the whole line of my conduct which could justly furnish matter of offence to that honourable body.

I am, Sir, with the greatest respect,
Your most obedient humble servant,
CHARLES LEE.

His Excellency the President of Congress.

FROM JAMES LOVELL TO GEN. GATES.

Feb. 4th 1780.

DEAR SIR,

It is only because Col. Bull was so obliging as to promise to call on me this morning for a Letter, that I now take up my Pen, for it is impossible for me to write with any Deliberation, having two Expresses to attend to immediately. Y^r. Favor of Feb^y 17th with L's Instructions are on my Table. Verily I cannot conceive he acted from any other principle than what he avers; and I ought in charity for Congress to suppose that the word Protection will fairly admit of the Ideas usually annexed to "*Aids* by Treaty" otherwise their Honors have been over free in the use of it during the Honey Moon of our late interesting Alliance. However, I will consider this matter a little more maturely. You will really be surprised when you come to see L's last Letter to Congress. I did not imagine he would write so confessionalary an Epistle to any Potentate on Earth. His first is published Jan^y 10th his 2^d will be in the Feb^y. Journal.

I did not know but some persons might chuse to have by them the Treaties in french, the Language in which they were originally drawn up; therefore I made the Printer bind a few of the Sheets which he had struck off, but was forbidden to insert in the 4th Vol. of the Journals; You can accent them with a fine nibbed pen. The printer had no types for that purpose.

P. M.

I was interrupted this morning by the arrival of a large Mail from France by the Mercury after a long passage. We had later news before—I hope we shall get supplies of arms & ammunition early. There is the fairest prospect. Indeed, we could make out pretty well with our own Magazines. We could by the 1st of May get ready 10,000 including 1600 Queen Ann's, which would serve at West Point. But the money! General, the money! Speculators are three times over match for us—As to Massachusetts God Knows where they will find the Cartloads; but they have determined to make good the original Contract of Congress with both officers & Men for 3 years back; and to be governed in future by the same scale which regulates them for the past—the monthly average of the prices of Beef Indian Corn Sheeps Wool and Sole Leather.

I think I mentioned to you some time ago that we ought to be guarding against an Event *not improbable* which is an armed negociation wherein the Terms offered by Spain last year *may* be again renewed by others as reasonable proposals, viz^t. Each to hold what they possess on the day of the Commencement of a long Truce—France & Spain will make powerful combined Diversions to favor us if they should not be also able to co-operate in these Parts.

It is reported that S^r Harry was not heard of at Carolina on the 10th of February—

The Express who brought my Packet in 14 days from Boston, tells me that as he passed thro' Connecti-

cutt he was told that Gen^l. Putnam had been taken off by a Fit of some kind, but whether convulsions or apoplexy he could not remember.

Our Boston papers rarely come to hand of late, and are chiefly advertizements when they do reach us. As I am uncertain whether I shall print what Doct^r. Franklin mentions of Portugal I give it to you in Extract.

Passy Oct^r. 4, 79.

Portugal seems to have a better disposition towards us than heretofore, About 30 of our people taken & set ashore on one of her Islands by the English were maintained comfortably by the Governor during their Stay there furnished with every Necessary, and sent to Lisbon, where, on Enquiry to whom payment was to be made for the Expence they had occasioned, they were told that no Reimbursement was expected, that it was the Queen's Bounty who had a pleasure in showing Hospitality to Strangers in Distress. I have presented Thanks, by the Portugaise ambassador here, in behalf of the Congress. And I am given to understand that probably in a little Time the Ports of that Nation will be open to us as those of Spain.

Arthur Lee was in Paris Dec^r. 8th. I doubt not he is now on his way to America for there is Reason to think Mr. J. Adams arrived soon after that date. I fear he will never get any Redress from Deane who will take care to miss him in both Countries.

The Letter which I forward is from Count Montford, as I judge by the handwriting & size resembling several others which have been opened. He meant well in what he has published though there is nothing very smart or substantial in it. He had a hard boat to steer if he means again to appear as an officer in America—He has met with some considerable Windfalls on the decease of a Grandfather & Sister.—Conway has a Regiment.

I have dispatches to prepare in consequence of the

new arrival this morning, which addition to the labors announced when I first took up my pen must plead my Excuse for not noticing particularly what have written heretofore about Canada & other subjects.

Present my affectionates to Mrs. Gates & your Son; and continue to treat me as sincerely your Friend & humble serv^t.

JAMES LOVELL.

Hon^{ble} Maj^r Gen^l Gates.

FROM RALPH WORMELEY, JR.

Rosegill, 2 March 1780.

DEAR SIR,

The severity of the weather has rendered the conveyance of letters, which were always in this country too long on their passage more tardy than ever; for I received your letter in M^cPherson's inclosure of the 9th of December, not before this afternoon. If I expressed my sentiments of Gen^l. Lee's abilities and intentions, I could not express them in any terms less pregnant than I did; and I can faithfully assure you, that had you represented Berkeley, I would have tried my interest in Middlesex; and had I obtained a seat in the National Assembly, I would have joined you hand and heart, by every effort in my abilities, every argument in my comprehension to have brought about freedom in debate, and the liberty of the press, without which, the representative deliberations generate only faction and fetters, and noisy professions of patriotism become air, but necessity, state necessity is the scythe that mows down every argument; and you are not to be taught by me, that by the assistance of this argument, there is no degree of despotism that may not be vindicated and imposed: if I considered this evil as only a temporary stun to my country's liberty, I should not suffer the contemplation of it to lacerate my mind to such a de-

gree, but, I fear, she never will recover the shock: the minds of men, especially our leaders, are so debased, arbitrary, narrow; so little liberalized, that the tyrants of the day will for ever restrain the freedom of the press: we live too in such a sparse manner, that no constitutional combination can take place to carry into execution any plan for the recovery of this inestimable privilege: It is lost for ever.

I received yesterday the King of Britain's speech: He calls upon the Commons for large supplies for "the various and extensive operations of the ensuing year," and, is determined "to prosecute the war with vigor, to compel all his enemies to listen to terms of peace and *accommodation*" recommends to them to give the Irish every thing they ask, and bestows great encomiums on the militia, not a word of America, not a word of alliances. Ld. Gower is succeeded by Ld. Bathurst as president of the Council, and Ld. Weymouth by Ld. Hillsborough; I conjecture the Bedford party mean to shake the premier.

Your letter to my father shall be delivered, when he shall return from King William: it reached me this day. I am concern'd to find you have been exposed to such inconveniencies; the vigour of the winter is now gone, and I hope you have weathered it without sustaining any injury to your health—

I shall be happy to see you fulfil your promise of visiting us; we have but few now of the comforts of life, none of the elegancies; such as we have no man will be more welcome to, than yourself, nor more cordially received by Dear Sir

Your most obed. & most humble Servant

RALPH WORMELEY, JUN.

P.S. 3^d. of March—My father came home this day, & will answer your letter to-morrow to your satisfaction.

FROM MISS SIDNEY LEE.

Bath, March 14th 1780.

MY DEAR BROTHER,

I came here with your very sincere friends M^{rs} Burritts ye 16th of January, and have since received your letter of September 20th date, that was forwarded to me by our Suffolk kinsman who is (I think) deserving of our gratitude & regard.

I cannot express the little of the satisfaction the contents of your letter gave me, nor my thankfulness for the goodness of your constitution, that has enabled you to preserve your health & spirits through captivity, extreme fatigue, and what is still to a generous & zealous mind, much harder to bear, ingratitude beyond anything I ever read of. I'm amazed the members of the Court Martial that suspended you, suffer'd the minutes to come forth, and afterwards your own defence. They have both been read by all that can read, and by what I can learn made an equal impression upon all. But believe I had better here stop, as I wish my letter to reach you, therefore for the remainder of my paper will confine myself to other matters, except breathing my earnest wishes for a peace, that may satisfy every man that is a real friend to England & America.

I thank God I have of late enjoy'd pretty good health—Wish it was in my power to say as much for Mrs. E. Burritts. But it was her want of that blessing that brought us here again, wherewith her Sister or self, chose to come without me, and my obligations & attachment to them has daily increas'd for the last twenty years. In August last S^r C. Bunbury had a few hours business in Cheshire and stay'd five days to make me a visit. His countenance was healthy & his spirits good, therefore hope he had surmounted all his family mortifications. Have seen his brother since Xmas, and have heard from several his sons are two as

fine boys, as ever was born. Their youngest Sister (late Blakey) was married in the summer to Mr Boscawen with whom she eloped from her former husband and five children, her eldest daughter, then thirteen years old, For which I think her more to blame than almost any of the fashionable Ladies. Believe M^{rs}

family are well, and wish for her sake, but still more for my own, those Worthys, Monsieurs Owen & Potts Attorneys, wou'd graciously settle our late Aunt Williams's affairs; as by so doing I might benefit by her legacy, but if they continue to proceed as they have hitherto done, cannot hope to live to receive the interest of the money. The Townshends are all well, and by letter have desired I will convey their kindest love, and have had much the same request from M^{rs} Hunts. Lady Malpas lives here, and never fails enquiring after you. Have never seen our friend Butler since the first week he arrived in England, for he went to London in the Summer when I was in Shropshire, and left word at my house he would return in ten days; but there or in Suffolk he was when I set out for this place. Had the pleasure of passing the month of September with M^{rs} Myddleton at Gwnynyhoy. Take for granted she is now at Liverpool, the Commander of the Derbighshire Militia never going to quarters without her. M^{rs} Mainwaring is alive & spirited as ever in conversation and loves you most sincerely. I supped this winter in company with Mr. Falconer, when he with great cordiality desired I would the first opportunity remember him kindly to you, that I am sure is more than his medical brother wou'd condescend to, yet cannot help feeling concern'd for old

sake he is not as a physician more sought after than he seems to be in this his place of abode. A family settled at Bath, that M^{rs} Burritts & your Sister are proud of the regard they treat us with, from my heart and spirit was every circumstance as I wish (and believe you deserve) I wou'd sail many times to the East Indies & back again to present you with a wife

out of it. The Master of the said family told me, having frequently mentioned me, and express'd his good wishes for you, a Gentleman with whom he is intimate said to him, I have been writing to your acquaintance Genl. Lee must think I was either drunk or mad for he does not know such a man exists. It is to him I shall be obliged for putting this letter into a probable road of being received.

M^{rs} Burritts sends you every good wish. That the Almighty may bless & preserve you for better days is the zealous prayer of

Your affectionate Sister,

S. LEE.

FROM GEN. THOMAS MIFFLIN.

Philadelphia, March 16th, 1780.

MY DEAR FRIEND

But a very few days it has been in my power to answer your most affe^{ct}. & friendly Letter of the 30th. December last, it not having reached me 'till since the 9th. instant—How distressing & mortifying it is my worthy fr^d. to me to be so deprived of your Correspondence. Cannot we fall upon some method of more frequently exchanging letters?

Inclosed is Copy of a particular list, & receipt to Major Eustace for the Books, papers, &c. you ordered him to deliver me, he has however thought proper to detain the Letter or Letters wrote you by Gen^l. Reed, that Gen^l. Arnold requested a sight of, this confirms me fully in my former opinion that he returned the Letters to Mr. Reed—do you know that this young gentleman is going to England now? I will make no comments upon his conduct or intentions.

The season is now
I expect in the art of a

[A little more than one quarter of the leaf is torn off from the bottom. The letter has no postmark, or endorsement, and was doubtless sent by

private hand. The second leaf contains the "Remarks, &c." which follow this letter—all in General Lee's handwriting.]

I have not before informed you that I am settled in Town and working away in the mercantile line as hard as I can. I think I cou'd employ some of your bills of Exchange upon Britain to good advantage.

I am much engaged, therefore Pardon my not writing you more fully at present.

I shall conclude with a hint to you—

Be not deceived my dear General the Congress are not your frd^s. they, like their constituents are ungrateful to the man that has more than once saved 'em from eternal perdition & to whom I may justly say the liberties of mankind in this age may be ascribed—

Your grandson is yet in Jersey—has grown finely—
With Compl^s. to yourself & family I am joined by M^{rs}. M.

I am Yours affl'y

[THOMAS MIFFLIN.]

Hon^{ble}. Major Gen^l. Lee,
Berkley County, Virginia

REMARKS, ETC.

A Tory for instance, as now cali'd, is an Enemy to Tyranny not only in a King and a corrupt Parliament, but whatever other garb it assumes, whether a Baltimore or Philadelphia Mob or a self-created Committee of imported servants—a Whig is for passive obedience to any other men in power than a King and Parliament tho' their folly incompetence and knavery be ever so conspicuous—a Tory is for the freedom of the Press as the great Pillar of civil and political Liberty—a Whig is for the utter suppression of it—a Tory is for paying the full value of his debts at the 'time He contracted 'em—a Whig is for discharging his at the sixtieth or the hundredth part of their value, altho' his Creditor had saved him from Jail by the loan.

Note 1st. to decry all specu[la]tors in general wou'd be nonsense—it wou'd be to decry all commerce, which is in a good measure founded on speculation—the speculators here meant are only those who have made dangerous monopolies—the little riding speculators are perhaps rather useful than the contrary as without them these back countries cou'd not be supplied with common necessities.

Note 2^d. it is remarkable that of the powerful Opposers to the claims of the British Ministry, not more than four on the whole Continent at present can be esteemed leading men in their respective states—Lee and Henry of Virginia and the two Adam's of Massachusetts—and these to a man are indignant at some of the fashionable maxims particularly the tyranny over the Press.

DRAFT—TO THE PRESIDENT OF CONGRESS.

22^d April, 1780.

SIR

The letter of apology which I did myself the honor of addressing to Congress has I find been publish'd, but I must confess myself as they thought proper to publish it, a little disappointed that it was not accompanied by any comments in my favor—the acknowledgment and apology, for any want of decorum to a private man and much more to a public Body has ever been in my way of thinking an honourable measure—and I hope it will not be taken ill when I observe that the greatest defect in the American character both of Individuals and Bodies is their making it a rule never on any occasion to confess themselves in the wrong—for instance, General Washington must be sensible that the letter He wrote to Congress and indeed to the whole world on the affair of Monmouth did from misinformation at the time He wrote it (for I can have no reason to believe He wou'd wittingly impose a false-

hood on the publick) that this letter from the beginning to end did scarcely contain a syllable of truth, which is substantially prov'd by the evidences of the C. Martial both on the part of the Prosecutors and Prosecuted, and the General ought of course when he had better inform'd himself to have made me reparation by acknowledging his error—With respect to the confirmation of the wicked absurd and I may add trait'rous sentence pass'd on me by the Court Martial I am confident [so great was my opinion of the general body] that it was brought about by the arts and management of a small junto of men in a thin house; I am confident that if the house had been full I shou'd have been acquitted with honour, as I have no doubt but that simple justice wou'd have influenced the generality of that Assembly—I venture to assert this, because If Congress calls upon me, I will bring proofs that several of the Individuals who compos'd this majority acted from their own professions against their sentiments on the pernicious maxim that justice must be postponed to expedience, which was in [this particular case] in fact to say no more or less than this: that because Gen: W. is thought to be a useful man, whenever his little finger is sore a poultice must be made out of the vitals of any other General Officer in the service whom his Excellency devotes for the purpose. I hope I shall not be thought impertinent in putting these three queries to the consideration of the Congress: 1^{stly}. is it possible to disobey discretionary orders? I might have misconducted myself, but to disobey discretionary orders is as impossible as kill a dead man. 2^{ndly}: Whether a letter of remonstrance from officer to officer for injurious treatment and never publish'd or design'd to be publish'd comes under any of the American Articles of War?—A law that cou'd be construed into this sense wou'd be too hard for a Russian digestion. 3^{rdly}. if a retreat of fifteen hundred men remote from any support from an Enemy of nine thousand without the loss of a single Gun, a single Battalion, or a single Platoon can be

deem'd scandalous or unnecessary. I do assure you, Sir, and the Gentlemen of the Congress that these queries I now venture to propose, and the language I now hold, are not meant as an insult, but on the contrary proceed from the good opinion I am taught to entertain of the present Congress, on whom it can certainly reflect no dishonour to pass some censure on the proceedings of predetermined faction in the preceding one and to make some reparations for the injuries which have been heap'd on the head of a man who has risk'd his fortune sacrificed his military rank, his friends and connexions to the cause of America, in which he thought were involv'd those of Mankind—and as they have thought it not improper to publish my last letter, I flatter myself they will find it as little so to publish this, which if I have a right conception of things, must rather redound to their honour than the reverse.

DRAFT—TO THE PRESIDENT OF CONGRESS.

SIR,

The letter of apology I did myself the honour of addressing to Congress, has I find been publish'd, and I confess myself not a little disappointed and mortify'd that it was not accompanied by some favorable comments—the acknowledging and apologizing for any want of decorum in actions or words towards an Individual and much so towards a public Body of men has ever been in my way of thinking an honorable measure, and I hope I shall not give offense in observing that the greatest defect I have observ'd in the American character is the almost universal rule they have laid down never on any account to confess themselves in the wrong—for instance, General Washington must have been sensible that the letter He wrote to Congress on the affair of Monmouth did, from misinformation at the time He wrote it, scarcely from the beginning to

the end, contain two sentences of truth—I say from misinformation, because I cannot believe that He wou'd wittingly impose a falsehood on the public—the General therefore of course the instant He was convinc'd of the misinformation that gave birth to his letter (which He must be convinc'd of from all the Evidences of the Court Martial) ought to have made some reparation by acknowledging his error [the King of Prussia has not thought it derogatory] with respect to the confirmation of the wicked absurd and ridiculous sentence of the Court Martial. I am confident it was brought about by the art and management of a junto of men who watch'd their occasion in a thin house; I am confident that had the house been full I shou'd have been acquitted with honour, as I have not a doubt but that simple justice wou'd have influenc'd the generality of that Assembly—I think Gentlemen, I am warranted to hold this free language, because proofs can [cou'd] be brought that of the Individuals who compos'd this Majority, some never read the trial 'till after the confirmation, and that others, from their own professions to their Acquaintance, acted against their sentiments on the pernicious principle that Justice must be postpon'd to Expedience, by which in this particular case I suppose was meant that as General Washington is considered a necessary man, He is to be humor'd in the sacrifice of every officer whom from pique or jealousy He [may have] devotes [devoted] to destruction.

I hope I shall not be thought impertinent (I am sure it is far from my intention) in offering to the consideration of the present Congress these three queries. 1stly is it possible to disobey discretionary orders?—I might have misconducted myself but to disobey discretionary orders is as impossible as to kill a dead man, and that the General's orders were discretionary is manifested by every evidence. 2ndly Whether a letter of remonstrance from one officer to another for injurious treatment, never divulg'd or designed by the Writer to be divulg'd falls under any American article of war? A

law that cou'd be construed into such a sense wou'd render the Commander so completely despotick as to be too hard for a Russian digestion. 3^{rdly} Whether (and admitting the retreat to have been mine which it certainly was not, but merely owing to a fortunate accident;) but admitting it to have been mine, I demand whether the retreat of fifteen hundred men from nine thousand these fifteen hundred distant from any support, in a Country totally unreconnoitered unfavourable to our species of Troops, being totally defective in Cavalry, without the loss of a single Gun, a single Battalion, or a single Platoon can be deem'd unnecessary and scandalous? these queries which I now venture to propose, and the language I now venture to hold, will I flatter myself, from the character of the present Congress, meet with a juster fate than what I have hitherto in my own vindication been forc'd to utter to the Public—and as I have so freely [candidly] and in such strong terms acknowledged [expressed] my contrition [concern] for in my last letter for the indecorum [disrespect] I was hurried into. I cant help flattering myself [have reason to hope] that the Present Congress will not think it inconsistent with their dignity [honor themselves] by passing some public censure on the proceedings a pre-determin'd faction of a former one, and to make [by making] some reparation for the injuries which have been heap'd on the head of a man who has risk'd his fortune, [sacrificed] his military pretensions, his relations, connexions, and powerful friends to the cause of American Freedom, in which he thought were involv'd the liberties of all Mankind.

DRAFT—TO THE PRESIDENT OF CONGRESS.

22^d April, 1780.

SIR,

The letter of apology I did myself the honour of

addressing Congress has I find been publish'd, and I confess myself not a little disappointed in finding that it was not accompanied by some favourable comments.

The acknowledging and apologizing for any indecorum by words or actions to an Individual and much more so to a Public Body has ever been in my way of thinking a becoming measure, and I here hope I shall be pardon'd in observing that one of the greatest defects in the American character is the almost universal rule they seem to have laid down never on any occasion whatever to confess themselves in the wrong—for instance the letter of General Washington on the affair of Monmouth, from misinformation at the time He wrote it, did scarcely from the beginning to the end, contain three sentences of truth, I say from misinformation, because I must not believe He wou'd wittingly impose a falsehood on the Public; but the moment He was convinc'd of the misinformation, which gave birth to his letter He ought of course to have made reparation, and He must have been convinc'd from all the Evidences of the Court Martial, if he ever condescended to read more of it than the sentence.

TO THE PRESIDENT OF CONGRESS.

22^d April, 1780.

SIR,

The letter of apology which I did myself the honour of addressing to Congress, has I find been publish'd, and I confess myself much disappointed in finding it not accompanied by some favorable comments—the acknowledging and apologizing for any want of decorum either in actions or words towards an Individual and much more so towards a public Body has ever been in my way of thinking a most becoming measure, and on this occasion I hope I shall not give offense in observing that one of the greatest defects in the American

character seems to be the almost universal rule they have laid down never to confess themselves in the wrong be it ever so palpable—for instance, General Washington's relation to Congress of the affair of Monmouth, from misinformation at the time He wrote it, (for I cannot believe he would wittingly impose a falsehood on the public) scarcely contains three sentences of truth—and he ought of course the moment He was convinc'd of his misinformation to have made some reparation by acknowledging his error of which he must have been convinc'd by the perusal of the court martial, unless he never condescended to read more of it than the bare sentence. I confess I was myself persuaded as well as were many others that he would have taken this honorable step. With respect to the wicked absurd and ridiculous sentence passed by the Court Martial, I am confident that it was brought about by the art and management of a particular junto who waited their opportunity in a thin house; I am confident had the house been full, that I shou'd have been acquitted with honour, as I have not a doubt but that the consideration of justice alone wou'd have influenced the generality of that Assembly. I think Sir I am warranted in advancing this opinion and in giving the epithets I have done to this transaction, because proofs cou'd be brought that of the Individuals who compos'd this Majority, some never read the trial 'till long after the confirmation, and that others, as they have professed in their open hours acted contrary to their sentiments of the real merits of the cause on the pernicious principle that Justice must give way to Expedience, by which I suppose they must have meant that as General Washington is considered a necessary man, He is to be indulged in the sacrifice of any officer whom from jealousy pique or caprice He may have devoted to destruction. From the character, Sir, of the present Congress, I can have little apprehension of being thought impertinent in offering the three following queries to their consideration—1stly, is it possible

to disobey discretionary orders?—I might have misconducted myself, but to disobey discretionary orders is as absolutely an impossibility as to kill a dead man, and that the General's orders were discretionary is manifested not only by every evidence of the Court Martial, but even by his own letter as far as the part of his letter relative to the orders he had given is intelligible. 2ndly. Whether a letter of remonstrance never published or designed to be published by the Writer, from the second in command to the first for injurious treatment falls under any American article of war? A law that cou'd be construed into such a sense wou'd render the Commander in Chief so completely despotick as to be too hard for a Russian digestion. 3rdly. Whether admitting the retreat to have been mine which it certainly was not, but owing to a fortunate accident; but admitting it to have been mine, whether the retreat of fifteen hundred men from eight or nine thousand in a Country unfavourable to our species of Troops, as being totally defective in Cavalry, our flanks uncovered, remote from any support and performed without the loss of a single Gun, a single Battalion, or a single Platoon can be deem'd unnecessary or scandalous? I certainly gentlemen, should not hold this language to a body of men [of] whose liberality of mind I had been taught to entertain a low opinion and as I have in my last letter so freely and in such strong terms expressed my concern for the disrespect I was hurried into I flatter myself that the Present Congress will think it not inconsistent with their dignity to pass some public censure on the iniquitous decision of a pre-determin'd faction in a former one, and publicly to make some reparation for the many injuries which have been heap'd on the head of a man who has risk'd his fortune, sacrific'd his military pretensions, his relations, connexions, and powerful friends to the American cause in which He thought were comprehended not only the political rights of the aggregate, but the civil rights of every individual; but however the former may ulti-

mately be established, the latter at present most certainly are not, as the great basis, the freedom of the press has no more existence in this country than at Rome or Constantinople: and it is sanguinely hoped by every real enemy to Tyranny, whatever garb it assumes that the present Congress, among their recommendations to the several States, will, above all recommend the restoration and protection of this Palladium both of political and civil liberty,

I am, Sir, with the greatest respect

Y^r most hble & ob^t Ser^t.

CHARLES LEE.

TO BENJAMIN RUSH.

Redwood Forest

April 30th [1780]

MY DEAR RUSH,

I am quite puzzled at the meaning of Congress in publishing the letter of apology I wrote to them for the disrespectful terms I had been hurried into towards 'em. Most people I have conversed with on the subject are of opinion that they have done it in triumph over me, considering the state of my apology as an instance of their having succeeded in breaking my spirit—I am myself apt to be of this opinion—but the criterion is, whether my few friends are displeased with it, and my enemies pleased—You who are on the spot can be a better judge—if this is the case I must conjure you, my dear friend, to seal the inclosed and contrive to have it sent to the President: but if on the contrary it is considered in its proper light a becoming expression of concern for an act of indecorum towards a public body for all public bodies (even the Pandemonium itself) ought to be treated with some degree of complaisance when we address them, if, I say, it is considered as a becoming measure, it would be better perhaps to take no more notice publicly of the matter. But I once

more entreat and conjure you that if my friends seem displeased and my enemies to triumph, that you will contrive to have it without further consideration, to have it sent. Young Shippen will deliver you this packet but knows not what the packet contains. I am, my dear Rush, most heartily sick of this country and have thoughts of quitting it soon; if I can settle my affairs in such a manner as to set me at liberty—the best thing we can do is I think to inquire out who is the most tolerable master, for as to great, wholesome equal republics which you and I have been fanatically in pursuit of, I am now convinced they are in these modern ages quite chimerical. We are not materials for such divine manufactures. I believe therefore I shall think the wings of a well disposed monarch the best asylum—and it happens, that there are at present two of these phenomena on earth; the Emperor and the G. Duke, Tuscany or Hungary will upon the whole, I believe, be my last stage. I never will certainly draw my sword against this country but I do not think myself under any moral obligation to labor as strenuously as I hitherto have done merely for what the ranting whigs are pleased to fancy her interest. These ranting whigs are in fact most absolute Tories in all their theory and practice.

But I must not run into an essay, as the boy's horses are at the door, only once more conjure you, my dear Rush, by all the ties of honor and friendship, not to delay (if my enemies do triumph at the Congress publication) not to delay (after you have taken a copy) sending the inclosed as I have requested.

My respects to your wife and her connexions.

C. LEE.

FROM JAMES MONROE.

Ayletts Warehouse, June 15th.

MY DEAR GEN^L.

I am happy in accidentally meeting with a neighbor

of y^r who tells me he lately left you well & contented with your retir'd life. I am extremely anxious for your welfare & often most sincerely lament that the temper of this Continent sho^d be such as to render it expedient for you to return to Berkley. When I left you in Phil^a. my wish & expectation was immediately to go to Europe; on my coming to Virginia being under age, I found it difficult to make such disposition of my property as wo^d admit of it. I meant however to go this fall & as I wish'd to go in the character of an officer for that purpose I went up to H^d. Q^{rs}. by Phil^a. (where I wish'd much to have seen you) to require from His Excell^y. & L^d. Stirling a certificate of my good conduct. This I meant to present to the Virg^a. Assembly & from them procure an appointment. His Excellency gave the letter I co^d have wish'd & L^d. Stirling also treated [me] with gentlemanly politeness. What I have to expect from this assembly is incertain but as they have no interest in the appointment I desire I believe I have no probable grounds to found hopes on. I am retiring from them to my uncles, M^r. Jones near Fredericksb^g. (the Chief Justice of this State) where I propose staying perhaps the year. If it was my house my d^r. general you sho^d make it yours, but at present I only live in expectation of it. I may however take the liberty with my uncle to press you if you come that way to call & see me—Be so kind as write me, and direct to Fredericksb^g. to inform me where I may wait on you. I am solicitous for y^r. interest & wish to consult you on my plan.

I am my dear General with sincere esteem y^r. friend
& very humble Serv^t.

JAS. MONRO.

The H^{nble}. Major Genl. Lee,
Berkley Cty.

TO JAMES MONROE.

Virginia July y^e 18th

MY DR MONRO,

The letter I receiv'd from you by M^r White gave me the greatest pleasure as it assures me of your love and affection—but what He reports of you, gives me still more, as it not only assures me of the certainty you have of well establishing yourself in fame and fortune (if from the whimsical circumstances of Country there can be any such thing establish'd as fame and fortune) but of the good figure you make flatters my vanity, as I have always asserted that you wou'd appear one of the first characters of this Country, if your shyness did not prevent the display of the knowledge and talents you possess. M^r White tells me you have got rid of this *mauvaise honte*, and only retain a certain degree of commendatory modesty—I rejoice in it with all my soul, as I really love and esteem you most sincerely and affectionately—You are pleas'd to say that you shou'd be glad to hear from me as frequently as possible and if I recollect right (for I have lost your letter) to have my opinion on public affairs—I shall therefore without ceremony give you my opinion—I opine then that in all affairs political or military, there is a certain key of success and welfare—that the greatest proof of political or military talents is to lay hold of this Key when presented—I really think that this Key is presented to the Americans at this instant cannot be disputed that it is the interest of America to put an end to the War, when it can be done with security, advantage and glory—And the only time, is a crisis when there is an equipoise of power betwixt G. Britain and the House of Bourbon, for shou'd America wait until the scale preponderates on one side or the other, She must necessarily be at the mercy, of the preponderating party; and what reason there can be for trusting France more than G. Britain, I leave to wiser heads

to discover—I am sure if They consult History They will have less—let me only refer 'em for instance to the horrid tragedy acted (even in Lewis the 16th's time, the Champion of the oppress'd) in the Pieredi Niclo, in Corsica—but to leave history and consider only our actual circumstances—it appears to me then that there are only two Measures which The Americans can possibly adopt—the first is alone reconciliable to common sense and the most obvious policy—the latter (if sense and policy are laid aside) practicable I have no doubt.

The first is to make a peace with G. Britain when everything which America has fought and sought for may unquestionably be obtain'd—the second is that if She is so insane as to fight the battles of France—to insist at least that France shall support her Armies in cloathing subsistence arms and pay—in short pay the whole expenses of the war, and even then France will have a very good bargain, and the Americans a very bad one—for as to America fighting these Bourbonian battles at her own expense, another year—a man must be drunk, lunatick, or Pension'd who will dare to advance it as it is notorious that the twentieth part of the taxes for the present year——

TO JAMES MONROE.

MY DEAR MUNROE—

I receiv'd two days ago your letter dated from Richmond upbraiding me gently for not writing to you, I do assure you that I have written twice addressed to you immediately and a third time conjointly to you and Mercer—but whether you have received 'em Heaven knows, for of all the admirable qualities pervading all the People of this Continent, the laudable ambition of attaining knowledge by opening every letter seems one of the strongest it is not always I am Master of Pen Ink and Paper and seldomer that I have an oppor-

tunity of assuring you how much and sincerely I am yours—or you may depend upon it, that you should receive these assurances frequently as without compliment I have a pleasure in conversing with you whether by letter or viva voce. I am extremely concerned that Fortune has been so unkind as not to admit of your cultivating to greater advantage the talents which has Nature has bestowed than the present situation you are in seems to promise for in my opinion, but perhaps I am a prejudiced man the study of topographical Law unless daily corrected by other more liberal studies is a most horrid narrower of the mind, and you, as you justly complain have not the proper books for the necessary correction—if I remain on this continent nothing will give me greater pleasure or more flatter my ambition than to communicate my notions and assist you with all the means in my power in the pursuits of polite letters—and if any circumstances arise to make me alter my present plan I hope it may be so contrived that we may be much together. Your present assembly is, I have many reasons to believe, composed of wretched materials, but wretched as it is, it appears one of the least abominable on the Continent in fact the power in ev'ry State is manifestly fallen into the very worst hands; in our County, in Maryland in Pennsylvania; it is neither a Monarchy, Aristocracy—nor Democracy, it has indeed some of the worst features of Theocracy, that is a few inspired Persons without the aid of human sense immediately by God from what they pretend dictate every measure—but it is rather a Mac-ocracy by which I mean that a banditti of low Scotch-Irish whose names generally begin with Mac—and who are either the sons of Imported Servants, or themselves imported Servants are the Lords Paramount, and in such wild beastly hands as these are *respublica diutius stare non potest*—God knows what is to become of us; perhaps I see with a jaundiced eye, but after a few months or at farthest a year anarchy and confusion, and a dreadful scene of

desolation an absolute tyranny will I am persuaded be the conclusion of the piece, but whether the Tyrant will be foreign or domestic is out of the ken of my foresight—what do you think of the policy of our Congress in inviting and if not invited in admitting a large body of French Troops into our bosom—at any rate the remedy is worse than the disease. How are we to get rid of?—is there an instance in history of a strong nation sending an Army for the protection of an impotent Nation where the Protectors have not ultimately stripped the Protected of their liberties, or at least have not attempted to do it? You have read, I dare say the history of Britain and must be acquainted with the conduct of our Saxon ancestors called in for her protection You have read the history of Charles the Fifth and of Philip the Second, and of course know that the Armies of Germans Italians and Spaniards called in originally for the protection of the Low Countries against the French were employed to enslave these same Low Countries, and that afterwards vice versa the French invited to protect them from the tyranny of the Spaniards attempted to accomplish the very same purposes They were called in for to defeat—in short the measure is so obviously big with mischief so repugnant to all the sound maxims of policy, that I cannot persuade myself but that those who have acquiesced in it must have been brib'd out of the little senses they had—and to say the truth if Congress cannot be pronounced to be positively corrupted They have certainly a most [damnable] glaring corruptibility in their nature, if we may judge from the characters of the Individuals who compose it. I suppose we shall have an Army of Russians likewise and then America will be a blessed scene indeed—after battling it for some time—one side or other must be conqueror, or it must be a drawn battle if the former happens, the conqueror will give law to America, and if the latter a partition treaty will be the issue—upon the whole to every man of reflection it is a most damnable measure, and opens to his view a most damnable prospect * * *

To ———.

DR. SIR,

I cannot help suspecting from a part [of] your letter which I received yesterday that you have conceiv'd a very erroneous opinion of my notions and sentiments in religious matters—I suppose you have imbib'd it from the report your son James made to you of the idle conversation which pass'd between us on certain abstracted subjects which in my way of thinking ought always to be considered merely as topicks for ridicule as on this subject so far beyond the reach of human understanding the learned and illiterate the good and the wise man are quite on a par you seriously conjure me not to eradicate belief (by which I suppose you mean Christian faith) from the mind of my young pupil to tell you truth I never make it the theme of my conversation with him I leave him intirely to what he learnt before He came into my hands—and * * *

To ———.

DR. SIR,

I am thoroughly persuaded that you and I (however we may differ in some circumstances) do in the main perfectly agree—from all I have heard, from all I can gather from your conversation and general conduct I am persuaded that you are a genuine staunch unadulterated Whig, and if I know myself I may claim that honour—by a genuine whig I mean a Man who opposes Tyranny in any shape and is ever vigilant against the encroachments of Power in whatever hands it is lodged—Whether it appears in the form of a King with a profligate Ministry and a corrupt Parliament at their heels or whether in the garb of a violent, ignorant and thievish gang of the demagogues of a credulous and ignorant People that the views of the King, his ministry and his hireling Parliament were to the last degree

abominable no man who is not corrupted out of his senses can possibly dispute—but this Tyrannical King with his profligate ministry and hireling Parliament are baffled so completely that whoever affects to dread their power must be despised as an Idiot—but tho' the Whigs (by whom I mean the Friends to general liberty and the rights of Mankind) have little or nothing to dread from George the third North or Germain, does it follow that they are in a state of security?—is there in fact any abominable species of tyranny which if the King and Ministry had succeeded to the full extent of their Wishes is not put in practice by our present mis-rulers? is there in any (or even the shadow of) civil liberty?—is not the property of Individuals without the shadow of a crime or criminality forfeited on the diabolical Maxim that Justice must be postponed to Expedience? is not every law, particularly the tender law, a premium for ingratitude breach of faith and every beastly villainy? is not the press restrained by direct or indirect means as effectually as it is in Turkey? but the subject is so ungrateful that I chuse to quit it. I leave it to those gentlemen who have assented to these laws (if laws they can be called that are so abhorrent from the eternal rules of justice, so shocking to every human feeling) and come to the policy or expedience of these felonious acts—the expedience policy or necessity is supported alone by the supposition that it will enable the community with a lighter weight of taxes, to carry on the war—there never was a more glaring falsity—there never was so impudent an imposition attempted on the understanding of men—it is quite the reverse—the only real fund which America possesses for redeeming her debts are those lands which in propriety ought to be called conquered lands, that is in fact lands which if this contest had not happened would have been at the sole disposal of the Crown—not a single farthing of which would of course [have] entered into [the] purse of any particular State and consequently in common justice must be considered as the property of the general aggre-

gate of America and not of any particular State. but even supposing these lands were the property of any individual State indisputably and uncontested is this a time to offer 'em to sale when from a variety of temptations they must be sold for less than a hundred part their substantial value—is this a time when the Inhabitants of the Eastern side of the Mountains are loaded with monthly taxes of so great a weight as almost to make their backs crack under the burthen and military services to encourage emigration to depopulate the Country? is this a time when Famine almost stares us in the face from wanting hands to cultivate the earth? to say to the People if you will go over the hills leave your lands in fallow or sell 'em to the best bidder, you will avoid taxes avoid military services and We the miserable few that are left notwithstanding the necessity of cultivating our grounds and paying all the extravagant impositions of our noble allwise legislature do bind ourselves to support you in ev'ry War you enter into with the Indians whose lands you have already or shall hereafter justly or unjustly find it your interest to possess yourselves of—

TO THE PRESIDENT OF THE COUNCIL OF THE STATE OF
MASSACHUSETTS.

Baltimore, Sept. 24, 1780.

SIR,

Although the subject of this letter is of no great public importance, it is sufficiently interesting to myself personally, and has sufficient concern with the rights and dignity of your State to apologize for the liberty I take in thus addressing you. The history, Sir, is this: Virginia, as an expedient to furnish her quota of troops required by Congress, has passed a strange law, authorizing Militia Officers to seize every person who has formerly served in the army, and cannot produce his discharge, or so at least the people at large are pleased to

construe it. This law, or construction of the law, has been attended with a thousand acts of injustice, violence, and every species of enormity. Under this pretext they break into Gentlemen's houses, and even seize on the persons of resigned Officers. What rouses their zeal, is, that every man thus seized and thrown into prison, exempts a class of fifteen from being drafted into the militia, or puts a sum of money into their pockets, as the seizures have a right to sell, as a substitute, the man seized to any other class who has not been equally fortunate in this sort of chase. Thus, from being the most notorious harbourers and protectors of deserters on the whole Continent, the Virginia common Farmers are become the most furious inquisitors, not after the real deserters, whom they had before protected, but after all those poor devils who had once served, but whose discharges are either unfortunately lost or worn out, which is the case of nine out of ten. Amongst their other feats, a party broke into my house, and laid violent hands on the only servant I had in the world. This young man, Sir, (his name Abraham Spur) was a soldier in Col. James Weston's Massachusetts Regiment, enlisted on the 6th of May, 1777, for three years, and of course his time expired on the 6th of May last. He was appointed to my guard, and in this capacity attended me to my house in Virginia. He made sundry applications to me for leave to return to his regiment before the expiration of his time, in order to receive a regular discharge from his Colonel, and to settle his pay and his rations. As I had no other servant I prevailed on him to remain, as I proposed to go down myself very soon to Philadelphia, where I would take all blame on myself for any irregularity; that I would in the meantime write to his Colonel, on the subject, and (if my memory does not fail me) I did write; but probably my letter miscarried, as has been the fate of most letters either written from or addressed to our part of the world. This indignity offered to a person of my condition, you may easily conceive a good deal

provoked me, but however I produced him before a Justice of Peace, who, notwithstanding the lad's affidavit that the time of his service was expired, and my offering, under any penalty, (if he was a deserter) to deliver him over to the line to which he belonged, obliged me to enter into a recognizance to produce him before the County Lieutenant. I accordingly did produce him before the County Lieutenant, who obliged me to enter into another recognizance to produce him for the acceptance or non-acceptance of the Continental Officer first in rank then in the district, Col. Morgan, by name. I delivered him accordingly into the custody of Col. Morgan, who, as I expected, would not receive him, and gave me a certificate, the substance of which was this:—That General Lee had delivered into his custody Abraham Spur, according to the obligation he had entered into;—that he was either no deserter, or he was; if he was no deserter he could not be apprehended as such, and that if he was a deserter, he certainly belonged to Col. Weston's Regiment, and of course Virginia could have no claim to him; and as General Lee had made himself responsible to the line to which he belonged, he would have nothing to do with him. This certificate I concluded, would put an end to my trouble; but I was mistaken; the County Lieutenant would not redeliver the recognizance, but said it must be referred to the decision of a Court Martial of the Militia Officers of Berkley County, whether this Abraham Spur (thus circumstanced) was to be considered as a legal part of the Virginia quota or not. Now, what right a Court Martial, composed of the Militia Officers of Berkley County, in Virginia, has to declare that a Massachusetts soldier (supposing him to be a deserter) may be a part of the Virginia quota, I cannot conceive; and I am sure it will puzzle all mortals but themselves to make out the title. It is undoubtedly the duty of every public-spirited citizen to apprehend those who he has strong reasons to believe deserters from the public service; but I conceive, at the same time, that it is the

duty of every decent person, if a Gentleman of any rank and property, gives security for delivering over those who are suspected, to the line to which they belong, to be satisfied with it. I beg, Sir, a thousand pardons for troubling you with this prolix history; but without so minute a relation of the circumstances, you could not well understand the nature of the request I have to make, which is simply this: That you will take the trouble to order an enquiry to be made, whether this Abraham Spur, formerly a soldier in Col. Weston's regiment, is a deserter or not; that if his time is expired you will enjoin the Colonel to send him a formal discharge; and if his time is not expired, to send a formal claim on me for his appearance, and I make myself responsible for it, or to find another man in his room. In propriety I ought not, perhaps, to trouble a man in your high and busy station with such trifling [matters,] but rather address myself to his Colonel; but as I know not where the Colonel is, or even if he is in existence, and as I am not only warmly interested in the affair myself, but think the rights and dignity of your State in some measure committed, I flatter myself that you will not hesitate a moment in gratifying my request. In the meantime, Sir, I am with the greatest respect

Your most obedient and humble servant

CHARLES LEE.

P. S. When you honor me with an answer, please to enclose it to M^{rs}. Goddard, Printer, Baltimore. You will have the indulgence, likewise, to excuse the blots of this Letter, as it was written in great haste.

TO THE PEOPLE OF AMERICA.

The time is now approaching, or rather actually arriv'd when if I mistake not, you will severely smart for your

hasty headlong unmanly precipitancy in censuring your Generals for their conduct without waiting for the means of information whether their measures were wise or the reverse. You have ventur'd to pronounce 'em guilty of incapacity treachery and even Cowardice when in fact they were entitled to your warmest thanks. You have pronounc'd certain acts as highly treasonable as proceeding from the extreme of weakness which from the issue have more justly appear'd to have been dictated by wisdom, firmness and spirit, and zeal for your Service—to instance Gen: S^t. Clair and General Lee. The former you have charg'd with folly treachery and even Cowardice, for having as it is now demonstrated display'd the greatest military prudence, very singular zeal (in these at least He knew your tempers) postponing his temporary glory to your interests, and on all proper occasions exposing his Person like a valiant Soldier—the latter you have calumniated (or at least join'd in the cry) as either through want of ability or from coolness in your cause prevent'd you from obtaining a compleat victory—when every evidence even those appearing on the part of the Prosecution, the unanimous opinion of the best Soldiers of your Army, the letter of the Enemies General the universal voice of the Army, and the demonstrate that He acted with propriety and spirit—it is true a pliant Court Martial was pleas'd to find him guilty of the charges, to the amazement of the whole Army and every man who has read the tryal, some of which They must have known it was impossible that any Mortal shou'd be guilty of—and that a confirmation of this sentence has been obtain'd from a Body of men some of whom declare they never read the tryal and have confess['d] They think the charges not supported—but excuse themselves by the famous Jesuitical Maxim that ends will justify [themselves]—this is certainly an abominable doctrine, and the existence of that community which suffers it with impunity to be profess'd, cannot be of a long duration. General Stark who indisputably gave a turn to the war has not indeed been per-

secuted but his merits are buried in silence—Gates and Arnold (I mean not to depreciate any character who may rise to be the idol of the day) the real the true Saviours of your State—and how has their fame if not directly at—the consequences of their ungenerous procedure which has ever been and ever must be fatal to the People who pursue it—both republicks and limited or absolute Monarchies—read the history of Carthage—of Sparta—of Rome, when fall'n degraded into Imperial Slavery—read that of modern Turkey and you will see the horrid truth illustrated—the Carthagenians sacrific'd every Officer who did not perform impossibilities; Hannibal himself was traduc'd [by Hanno who was the prototype of a]—the fate of Belisarius is read and known by every Child—I shall not therefore trouble you with it—but relate to you what recently happen'd (those few who read history cannot be inform'd of) in the last war betwixt Russia and the Turks—a very sensible and judicious General his name I think was Osman Bassa—was at the head of the Ottoman Troops—his Serasquier or L't General an Admirable Soldier, Kanman Bassas of his own choice was detach'd according to their Custom—the measures this officer pursued were so wise that He must in a short time have oblig'd the whole Russian Army to have laid down their Arms—but as absolute Governments and democratical States have the same vices—the Soldiers who are the real Sovereigns of those Countries as the low People are of real democracies, traduc'd his measures as dilatory and deficient in vigor—Osman Bassa and his serasquier were recall'd banish'd and one of 'em afterwards beheaded—Moldivensia Bassa was created grand Vizier in his stead, and ordered to proceed with a spirit more becoming the dignity of Musulmen—Moldevensia Bassa (tho' it is said a sensible man) to avoid the fate of his predecessor, absolutely run his head * * *

FRAGMENT.

* * * was ended written a note to a British officer, thus perverting and disfiguring an act of humanity and decency into a traitorous correspondence—the fact is that after the affair I wrote an open note thro' the channel of head Quarters at the request of a dying Serjt Major of the Guards, to Colonel Ohara, and the substance of it was simply this—that He was mortally wounded and regretted chiefly his leaving the world, because He was to be separated from so noble a Friend and Patron—the note was written in the presence of several officers, and I believe some surgeons of the hospital and sent unseal'd to head quarters—but such is the turn now given to it altho [I can have no reason to believe] I am perswaded that the General wou'd [never] encourage or countenance such iniquitous proceedings yet as [these gentlemen] are sort of favourites or suppos'd to be favourites at head Quarters, I confess sore as I am with wrongs, they got the better of my phylosophy and provok'd me into a deviation from the rule I had lay'd down to myself on leaving Philadelphia which was to remain totally silent 'till Time the great Elucidator of Truth shou'd as fully convince every man in America of my being injuriously treated as I have the happiness to be conscious myself—however I have the comfort to reflect that this deviation from the line I had determin'd to walk in cannot be attended with no [one] single bad consequence, as the affairs of America are now apparently out of all danger from exterior force—the danger is alone from within—but to quit the case of an Individual and come to general propositions—let any man of understanding and candor (I do not therefore address myself to M^r Purvyance or his Coadjutors) but let any man of understanding and candor answer the following questions: have not the ties of relation laws religion habit and use been dissolv'd? has not so much valuable Blood been spilt for the sake of liberty? and has not

an eternal divorce taken place betwixt the daughter and the Mother Country, under whose Wings She has flourish'd for so many ages for the sake of liberty? and are the fruits of so violent a convulsion, so dreadfull a rent, and such hideous carnage to be the establishment of a more dreadfull and certainly more illiberal species of Tyranny than cou'd possibly have taken place if the British Ministry had succeeded to the extent of their wishes—The worst that We cou'd have painted to our imaginations wou'd be a Viceroy presiding over the Continent, an Intendant over each Colony, a Standing Army, and a licenser of the Press, and this condition God knows wou'd have been wretched enough—but wretch'd as it is, there is scarcely a Man fool enough on the Continent not to prefer it to that which you [are laboring to] impose upon us. The Viceroy probably wou'd be a Man of Quality, and possibly to a certain degree of a generous and elevated mind—the Intendents Gentlemen of a liberal education, the Licenser of the press a man of learning and encourager of Genius, and the Army kept in tolerable strict discipline—but a Court of inquisition or propaganda fede establish'd in every State, compos'd of the most contemptible [rabble] a President of such a stamp as M^r. Purvyance at their head with powers to condemn to the flames every production of the Pen and tear to pieces the Publisher of every production not suited to their whim of the day or levell'd to their low capacity wou'd comprehend every tyranny in one—[even] a partial restriction of the press can never be reconcil'd with a republican Idea—have not We already felt its effects—have the most respectable characters civil or military been spar'd—torrents of abuse have been pour'd on the heads or [alleged] obliquities thrown at the Lee's of Virginia the Morris's, Miflins, and Bid-dals of Pensylvania—General S^t Clair whose conduct was irreproachable [was] for a long time—and General Arnold an officer of unquestionable valour and merit, has lately been serv'd up as a constant dish of Scandal to the breakfast of every table on the Continent—the

whole delegation of the Eastern States, and the Congress itself has not escap'd it—in this general rage for abuse—M^r Dean (I enter not into and am totally ignorant of the merit of his commercial concerns and connexions) but since He has scarcely for a single day been releas'd from the whipping Post & ribaldry his conduct as a minister is manifestly approv'd unless the continuation of Doctor * * * I demand then whether when the press has been thus licentiously free with the first characters civil and military, it is to be [reconciled] with the idea of liberty and Republicanism that one favour'd mortal shou'd be exempted from all suspicion of fallibility, and that the least expression of a doubt shou'd be esteem'd as absolute sacrilege—I must earnestly intreat that what I am now going to offer may not be tortur'd into a sense different from my meaning, that what I mean as general propositions may not be construed into invidious personal attacks either direct or oblique. I ask then of those Gentlemen who have made history their Study (M^r Purvyance and C^o may therefore give themselves no trouble in attempting to answer) whether it is not repugnant to the principles of freedom and Republicanism to encourage an idea in the People that their liberty depends on one man? whether there shou'd not be a rotation of officers military as well as civil, particularly the most important of all the Command in Chief? Whether there is an instance in the Annals of Mankind where this rule has not been observ'd of a Republic's being of any duration? Whether supposing the Commander of an Army possess'd of all the virtues of Cato and the talents of Julius Cæsar, alters the eternal nature of the thing as by habituating the People to look up to one man, all true republican spirit is not enervated and a visible propensity to monarchical Government created and foster'd? whether it is not a most monstrous absurdity that a people who do not permit their civil Governors to continue more than a single year without a new election shou'd patiently suffer or

rather insist on the Commander of their Troops who has so infinitely greater power in his hands being perpetual? Whether there is not a charm in the long possession of high offices and the pomp and influence that attend it which may corrupt the best dispositions? it was the opinion of Marcus Aurelius whose virtues not only honour'd the throne, but human nature, that to have the power of doing much and confine that power to doing good was a prodigy in nature—such the sentiments of this divine Prince who was not only train'd up in the schools of austere Philosophy, but whose elevated situation render'd him the most able Judge of the difficulty there is not in Power when We have it in our hands to furnish substantial arguments for—and it will be thought no pedantry in quoting 'em—tho' it may be a difficult task Mr Purvyance to set such heads as are unfortunately set on the trunks of you and your Adjuncts right in any one point—I shall for once attempt the task—You have it seems by your misconception been led to interpret what was in fact rather a compliment into a national reflection on the French—it is a laborious and disagreeable undertaking I confess to emit a ray of light into a vessel which Nature never intended for its receptacle—there was a certain proposition in these queries the meaning of which was this—that men of enlarg'd minds, liberal sentiments and enlighten'd understandings when stripp'd of the common rights of men or disfranchis'd of the privileges of which those who surrounded them were possess'd, are from their sensibility much more wretch'd than those Animals on two legs who have no ideas at all of their natural rights—that the French Government is an absolute unlimited monarchy no body will dispute—the only check therefore to despotism is the character of the Monarchs. I know very well that Mons^r Montesquieu has enumerated customs and the spirit of honour in the nobless—but certainly where there is a power to imprison and no responsibility for the Prisoner power is unlimited Lord Bolingbroke

says that Slavery does not absolutely consist in the number of stripes We receive but in the power another has to inflict 'em—the French Government is therefore in its present state ultimately despotick, but to the honour of the present Monarch it is not to be suppos'd that it [He] will not exert it, and to the honour of the People it cannot be suppos'd from their liberal way of thinking that They wou'd endure it if He shou'd attempt to exert it—but * * *.

TO THE PRESIDENT OF CONGRESS.

Elk Ridge, October ye 3^d 1780.

SIR—

As the Legislature of Virginia (the State of which I am a Resident) has thought proper to confiscate the property of all those whom They can deem British Subjects with scarcely any exceptions I really have not the confidence to draw upon England for the sums requisite for my support—for my Farm (from the abominable dishonesty of the Tenants and other causes) is rather a charge than a profit so that I am really reduced to a very distressing state of indigence—I most humbly request therefore that Congress will when They have call'd to mind the conditions on which They engag'd me in their service devise some method of furnishing me with the means of subsistence in some measure adequate to the fortune I threw into the lap of America—I must intreat likewise Congress to take into consideration the singular predicament I stood in at the time I first engag'd in the cause of this Country—a predicament so very different from that of all other men who embark'd in it—my fortune was certainly very easy if not affluent for a private Gentleman; it cou'd not have been affected or the tenure by which it was held render'd more precarious or arbitrary (which wou'd have been the case of all whose

property was seated in America) had the schemes of the British Ministry succeed'd to the extent of their wishes—on the contrary, had my principles permitted, I might have partook of the loaves and the fishes which wou'd have been at their disposal—My military pretensions were not inconsiderable; it is most probable that long before this, I shou'd have been at the head of a Regt but at any rate a Lt Colonelcy has been of late valued at more than five thousand guineas—these military pretensions I did not hesitate sacrificing to your liberties and this fortune from secure and independent I threw into a state of insecurity and an absolute dependance on the success and good faith of America—in short without any prospect of bettering myself I risk'd the loss of my whole—indeed so excessive was my zeal that for very considerable property I stipulated no indemnification for instance my half pay £136 pr annum and 30000 acres of land 10000 of which (in the Island of St Johns) I had settled at the expence of eight hundred guineas when these things, Sir, are considered; the circumstances I must have been in, had it not been for my zeal and enthusiasm for America, and the circumstances to which I am reduced by my zeal and enthusiasm, I have not a moment's doubt but that Congress will make some decent provision for one who has risk'd and suffer'd so much in their service.

I am, Sir, with the greatest respect,

Your Most obed humble Servt.

CHARLES LEE.

When Congress honors me with an answer you will please Sir to direct to Mrs Goddard Printer Baltimore.

P. S. I have just seen the most abominable aspersion on my character in Dunlap's paper the aim of which is to involve me in Arnold's treason—sure, Sir, [if] the Congress has not the power to restrain by any law.

They have influence to keep in some decent order this Scoundrel Calumniator.

[*Note.* The following article appeared in the *Pennsylvania Packet or General Advertiser*, Philadelphia, October 8d, 1780.

TO THE PRINTER OF THE PENNSYLVANIA PACKET.

SIR,

Upon the discovery of ARNOLD's design of betraying the Fort at West Point, and of delivering at the same time, His Excellency General Washington into the hands of Sir Henry Clinton; an article I read in a Cork newspaper and took a copy of, occurred to my mind. I send it to you with request that you will insert it in your next Packet. It cannot now be doubted that LEE and ARNOLD upon their meeting at Valley Forge, upon the former's arrival from the city, had agreed to do everything they should ever have in their power to ruin the Army of the States, and to sacrifice our Illustrious Chief.

I am, Sir, Yours, &c.

From *Flyn's Hibernian Chronicle*, Jan. 14, 1779.

"By some private circumstances which have lately come to light, respecting General LEE's conduct, there is the highest suspicion and ground to believe, he was touched with *English Guineas* during his captivity—which accounts for his not annoying General Clinton more than he did, on his retreat from Philadelphia."]

TO THE PRESIDENT OF CONGRESS.

October the 8th 1780.

SIR

Since I clos'd the letter which I did myself the honour of addressing to Congress, I have from many informations, the strongest reason to think that Dunlap's hellish malignant libel will be attended with consequences fatal to myself and perhaps very dishonourable to the American character in the opinion of all the nations on Earth—in short the aim of this libel is manifestly pointing me out as a proper subject for the hand of Assassination and there is little doubt but that some wild fanatick or a collection of 'em will soon put it in execution unless Congress immediately devises some means of taking me under their protection, and the only means that occur to me is that they will publish their abhor-

rence of so diabolical a proceeding—for Gods sake, Sir, if there is the least ground for suspecting my integrity let me be regularly called before Congress to clear up my character which I am confident I shall do without the least difficulty if I have committed any fault, been guilty of any treason it has been against myself alone, in not once from the beginning of the contest to this day consulting common prudence with respect to my own affairs—so far from bargaining for vile lucre with the English General to sell your lives and fortunes—but of this, Gentlemen, I dare say you are yourselves convinc'd; therefore I shall not say any more at present on the subject but confine myself to repeating my requests that you will take me under your protection either by the means I have taken the liberty to hint, or by any others that your wisdom shall dictate; but I earnestly conjure you, Gentlemen, that you will take the matter into immediate consideration to save one who has prefer'd the liberties of your Country to all human interests, from a ruffian death, and which I apprehend wou'd fix a considerable stain on the American character—in the mean time, I am, Sir, with the greatest respect,

Your most obedt humble Serv^t.

CHARLES LEE.

His Excellency Henry Laurens.

President of Congress.

To ———.

[Baltimore October y^e 17th 1780.

MY DR SIR,

I have ventur'd to draw upon you for one hundred pounds sterling in favour of M^r William Goddard and Eleazar Oswald—I have no doubt but that if you have the sum in your hands, you will immediately pay it, and if you have not, I must entreat you will make

applications to either my Friends S^r Charles Davers or S^r Charles Bunbury, who I am sure will advance such a trifle, and I pledge my word and honour They shall receive it with good interest in less than 18 months from the date hereof.

In short I hope the time is now approaching when I shall have an opportunity of hearing frequently and even sometimes seeing my best Friends, in the meantime I hope you will enclose one of these Letters (for I write six) to one of these two S^r Charles's and likewise that you will inform my sister that I received her letter from Bath, dated March y^e 14th 1779, that I am very well, and hope to have an opportunity to write fully to her in a few days by a safe hand—

Adieu, My D^r Sir—

CHARLES LEE.

FROM JOHN FRANCIS MERCER.

DEAR SIR,

An old Debt is now so strongly connected with a Tender that it must be dress'd in an uncommon Garb, not to raise the idea of its constant concomitant—A splendid Array of Justice to a growing Family of Infants—a prudent provision for old Age & above all the Lex Talionis, are the common touches of our modern Virginia Painters in finishing of the Pictures of their old Accounts;—I have one of the Ohio Company's to settle with you so circumstanc'd that every prudential motive strongly dictates the getting rid of it as soon as possible—prudence shall not however so far prevail over my honesty as to induce me to take advantage of the late iniquitous law of the Virginia Assembly, notwithstanding the last and only decent one of the common place excuses (mentioned above) applies most strongly to me having been paid off the whole produce of two very considerable Sales of my Estates in this Currency—However, what I here beg leave to propose

to you, is the Discharge of this Debt in some manner that you shall agree to be both just & generous—whilst at the same time I must promise that the situation of the Debt reduc'd as it is to a judgment, will force me to get quit of it if possible—It can only be paid off in the present currency of the country, no other mode being now practicable—the proportion by which alone the Discharge can be rendered equitable remains to be fixed. You are so perfectly acquainted with the common & necessary effects of War (particularly one prolonged as this in America has been) in depreciating every medium & enhancing the necessaries of Life that it is hardly necessary for one to premise that this Debt cannot be proportioned agreeable to the prices they bear—It cannot by any means be estimated according to the rates of imported Articles lopt off as this Country is from all communication with the rest of the World—Nor by Hard Money—that is an imported Article & subject to all the Revolutions in value, that precarious demand & supply necessarily occasions—for instance when Tobacco was at £45 & £50 & Corn @ £50 last year, it sold at from 50 to 55 Prices, now when Tobacco remains at 50 still & Corn is reduc'd to 25 & at most £30, it has started up to 80 & from that to 100 Prices—An unexpected & heavy demand to supply the pressing wants of a large number of American Prisoners has caused this (otherwise) unaccountable variation in its value—But at New York where it is the medium 4 Prices of it will not purchase the Produce of the Country.

Notwithstanding that as a Planter (feeling the weight of such enormous & encreasing Taxes, the aggravated expense of agriculture & well acquainted that for a series of years, from the unfavourableness of the Seasons & other causes, the proportion of Tobacco made in the Country has not averag'd one sixth of the usual crops) You must readily agree that our Staple commodities should sell at least at three prices (independent of the great demand) Yet my anxiety to get honourably dis-

charg'd of this Incumbrance, will induce me to average the Depreciation of the Currency by the Prices of those two Staples of this Country, Corn & Tobacco, & pay you off agreeable to that state—that is rating Tobacco @ 25 shillings formerly now at £50 corn at 12/6. formerly now at £25 or at most £30. This will amount to forty for one, which when you observe not only tallies with the new bills emitted under sanction of Congress leaving interest of 6 p^r cent payable in Europe, but is also paid at a time when the Laws of our Country render one Fortieth part a full discharge of the Debt—I am persuaded you will approve of both as just & generous—To persuade you that I sett out on those Principles has occasioned my writing this long and circumstantial Letter & now after presenting my best Respects to your Family I beg leave to assure you, that with sincere wishes for your Health,

I am D^r Sir

Your most oblig'd Friend & very hbe Sert.

JOHN F^s. MERCER.

Fredericksburg January 20th 1781.

TO MESSRS. INGLIS AND LONG.

Williamsburg, Jan'ry y^e 26th [1781]

GENTLEMEN,

As it wou'd be extremely inconvenient to me to go to Norfolk, I shall be extremely oblig'd to you if you will send fifty to M^r Edmund Randolph at Williamsburg, who will transmit it to me at Westover—I have sent you the bills fill'd up—You will farther oblige me Gentlemen, if you will commission somebody to inquire whether a lot sufficient for a house, stable, and small garden or large one (if possible) is to be purchas'd in the Town of Portsmouth, or near it upon tolerable reasonable terms, and in a pleasant situation—I shou'd beg pardon, Gentlemen, for imposing this trouble upon you,

as I have not the pleasure of your acquaintance, but I have been encourag'd by the reputation of your readiness to oblige. Will you favour me with a note on this subject directed to Gen. Lee at Westover.

I am, Gentlemen, Yours,
C. LEE.

To Mess^{rs} Inglis & Long,
at Norfolk.

TO LIEUT. COL. JOHN GRAVES SIMCOE.

March 3rd 1781.

DEAR SIR,

From the liberality of mind which you are universally allowed to be blessed with, I have little doubt but that what I am about to offer to your consideration will be favourably received—but I must first premise that, whatsoever some flaming zealots in the British army may insist to the contrary, it is very possible that several who embarked on this side in the present contest were very good Englishmen, and I can venture to assert that I am one of this stamp—for I considered that had the Ministry succeeded in their scheme of establishing the principle of taxing America without her consent, the liberties of Great Britain would that instant have been annihilated in effect, though the form might have remained. For as the pecuniary influence of the Crown was already enormously too great, so prodigious an additional weight thrown into the preponderating scale must sink to utter ruin every part of the Empire—on the other hand I will venture to assert, notwithstanding all that some of the *flaming fanatics* on this side may please to assume, that it is the interest of every good American that Great Britain should ever be a great, powerful, and opulent nation—but the measure she ought to pursue, in my idea, to obtain and secure this power, opulence and greatness, I cannot at present with propriety explain; but I can with propriety point out

some which she ought not to pursue. For instance, her Generals and Commanders ought not to suffer, or connive at by impunity, the little dirty piratical plundering of individuals—such proceedings can only tend to widen the breach already, to the misfortune of both parties, much too wide by souring men's minds into a state of irreconcilable resentment: in short, it is diametrically repugnant, not only to the honor, but to the true interest and policy of Great Britain, abstracted from all considerations of the cruelty and inhumanity towards very worthy families. But to be just, I really believe that most, if not all these flagitious scandalous acts are committed unknown to the English General and Commodore, as from the air and garb of the robbers they have not the appearance of being legally commissioned. This, my dear Sir, is the main purpose of my letter, which I write as a good Englishman, as a good American, and as a gentleman addressing himself to another of whom he has a very high opinion; and I have no doubt but that you will exert all your power and influence to punish and put an end to such abominable practices.

I have nothing to add, but to entreat that whatever letters I may send in you will convey safely to my relations. There is indeed one other favour I request; which is, that you will by the first opportunity assure Sir Henry Clinton, General Robinson, and General Leslie, of my personal respect and esteem, and I beg you will remember me kindly to General Phillips:—But above all I entreat you will believe me to be, most sincerely your's

CHARLES LEE.

FROM THOMAS LEE.

Bellevue, March 19th

Nothing, my Dear General, can exceed my concern for your distress; Mr. Lee informs me you are at pre-

sent confined to your bed by a violent attack of the Gout. I lament with the whole family of Belleview, that as you were to be in this part of the country very shortly, you should have been prevented by so disagreeable a companion. I am very unhappy to hear (from your letter which I received yesterday) that a friendship which had subsisted so many years between you and Genl. Gates should (by the pride, folly, and stupidity of one woman) be entirely dissolv'd; but really I can't say I was greatly surprised at it, for many reasons; as to Nourse's business I can and always shall vouch for your innocence, and his (I may justly term it) rascality, for I was astonished you could bear so much of his ill-treatment.

I was much surprised indeed to hear that you had visited Col. Washington, but am very happy you were so well pleased [with] their behaviour. I always knew M^{rs}. Washington to be a very sensible woman, but thought that she was like others of that name, entirely sway'd by popular prejudice. I have just returned from Westmoreland where I can assure you the gentlemen in general are very staunch friends of yours, and are very anxious to see you. M^r. & M^{rs}. Lee have just set out from this place; she is really a very fine woman and I actually regret your not having seen her on your arrival in that Country, if you think she would now have been the queen of Prato Rio. I have just supped with the fair Maria, and delivered your commands sealed with a kiss. My Dear Gen. the whole family join me in insisting that you favor us with your company as soon as your disorder will permit you to travel—Even Becky forgives you if you will come to see her, and not be guilty of the like again.

Send by the bearer my blank books, for I have been able to transcribe but very little for the want of paper which is not to be had. I am still reading Cicero, but can no where meet with Shakspeare—Excuse this wretched letter—it is now one o'clock and every one in bed but myself.

I am and ever will be with sincere regard my dear General,

Your friend and well wisher

THOMAS LEE.

I have sent twenty weight of cotton which is as much as at present to be procured or the servant can carry—the rest will be sent by the next opportunity.

T. LEE.

Major Gen. Charles Lee
Berkley County
Virginia

TO ROBERT MORRIS.

Berkly County June y^e 16th 1781

MY DEAR SIR

I have just receiv'd your two letters one dated May the 16th, the other May y^e 20th and I heartily thank you for 'em. They are friendly liberal frank and generous, and upon my word this is a style I have of late been not much used to. I shall therefore endeavour to answer the several heads with equal frankness liberality and ingenuousness—You tell me that it is said that from pique and resentments I am fall'n into defection; that I associate with none but tories, and that as it was I who principally impelled the Americans to this war it is of course incumbent on me not to deviate from the principles I professed and laboured to infuse into others; that he who was so great an instigator and prompter of the war in the first instance would act a monstrous part in assuming now another tone and preaching other doctrines—this is, I think the spirit if not the words of your two letters; and on the presumption that I conceive you right, I will confess my political principles and conduct as religiously as does the most superstitious Catholick to his father Confessor

—in the first place both as an Englishman and Friend to America I exerted myself to the utmost, I wrote, I fought, I would have mov'd heaven and earth to oppose and defeat the diabolical schemes of the B. Ministry which if accomplish'd would not only [have] enslav'd this Country but in the end have destroy'd even the shadow and forms of the liberties of the Parental State, by so enormously adding to the pecuniary influence of the crown already grown to a most dangerous bulk—When the idea of a declaration of Independence was first started I confess I had my doubts and feelings: but at length I considered that unless America declared herself independent, she had nothing to cede which would not go to her vitals on accommodation: these were my principles, and on these principles I conducted myself and our point was gained—it may be indeed said that the Terms offered by G. Britain were obtained by the means of the French Alliance; and I confess that the first Treaty with France as far as we saw of it was liberal or at least specious enough but is not the case now altered? for if report truly represents the second treaty America is now fighting the Battles of the House of Bourbon, not her own, but be this as it may the true spirit of whiggism is now absolutely a stranger to the breasts and systems of those who at present take the lead in every state of the Continent and those who are branded with the name of Tories are now the only true whigs they are those who were not only the most powerful and zealous opposers to the machinations of the British Ministry but who are enemies to Tyranny whatever garb it assumes whether the Royal robes of England, the red cloaks of attorneys or waggoners frocks—in fact Tyranny is Tyranny however dress'd but the first is certainly the least odious. I have no doubt but that those I associate with as well as myself are represented by the abettors of the Tyranny we at present groan under as Tories. They have no other means of charming down the voice of reason and truth than the epithet Tory—is your

Roberdeau a Whig? is Joe Reed or Peale the quondam sadler a Whig? is the disfranchisement of a great part of the Pennsylvanian Citizens a Whiggish law? is the confiscation of the property of innocent Absentees, Men, women and children, Friends and Foes, indiscriminately a whiggish law is the total suppression of the freedom of the press or the felonious tender law by which property is at one slap transfer'd from the right owners to those who have no claim to it founded in Whiggism? if such men are whigs and such laws and principles whiggism I and my associates are undoubted Tories and we glory in the name of it and to tell you the truth you have the honour to be class'd amongst us, and I do assure you I have had violent disputes on this subject, but enough of this, I shall only observe in addition that we in Virginia live (if it can be call'd living) neither under Monarchy Aristocracy nor Democracy—if it deserved any name it is a mac-ocracy that is a Banditti of Scotch Irish Servants or their immediate descendants (whose names generally begin with Mac) are our Lords and Rulers—You tell me in your letter that you did not like the selling of my estate and that you were glad to hear I had made another purchase surely you could not have received the letter I wrote to you from M^r Bannister Carrols—I wrote not only to you but to Congress explaining the necessity of the measure unless they relieved me that indeed my estate was in itself a fine one, but from its not being properly stock'd for cultivation and from the excessive weight of Taxes I should be obliged to part with it and that I meant to purchase a smaller which I could cultivate as my present one was so far from furnishing me with a competence that it was rather an incumbrance. I suppose my letter to you miscarried as you have taken no notice of it but their silence I attribute to the height of their dignity and majesty which always overlooks such impertinent solicitations, but whatever my scheme was, it is probable I shall remain in statu quo for the payment has not been made

nor do I believe it ever will, so I must of course diminish by inches and go out like the snuff of a candle. but before I finish this horrible long letter I cannot help expressing my curiosity (tho' I do not expect you shou'd clear it up) from whom you have received these reports of my demeanour defection and the character of my associates—I suspect it is from Gates indirectly in his regard for me and from old Nourse directly in his enmity. Gates is a man I have always lov'd and whom I know to be full of good qualities; but he is not a free agent; that Medusa his wife governs with a rod of Scorpions—if you think it worth your while inform yourself of young Tom Shippen how He suffered me to be treated under his own roof, and of the letter which this treatment drew from me as to Nourse—he is of all the men I ever had the misfortune to be connected with the most presuming overbearing and malignant—in short he is a man with whom if you do not agree in every tittle of religion and politics, that instant commences your most rancorous enemy—Such at least I have found him nor is my opinion or experience singular—it is the general decided character of the man—in fact the only Tory connexion I have in this Country is the family of the Wormleys a family which inter nos has more virtue and principle than all the new fangled whigs put together, a family with whom all the true genuine whigs of Virginia live in friendly intercourse, and to which the flaming Nourse himself has thought it his interest to pay his court. All the rest of my associates are in every sense of the word true genuine Whigs; men who have not only been the most zealous and powerful opposers to the meditated tyrannical schemes of the British Ministry, but who are the detesters of the effectually tyrannical and felonious measures of our present misrulers—Men who are in reality the true adherents to the rights of mankind—You are, I find, placed at the head of the finances—it is an office I cannot wish you joy of, the labor is more than Herculean, the filth and dung of that Augean

Stable is in my opinion too great to be cleared away even by your skill and industry, but however you succeed in this I do assure you that you are almost the only man on the whole Continent in whose hands the management of my personal finances I could wish should be deposited—Adieu Dr Sir, God bless you my sincere love and respects to M^{rs}. Morris.

CHARLES LEE.

TO WILLIAM GODDARD.

Berkly County July y^e 21st

MY D^R GODDARD—

As your post rider objects to carry any more letters or papers addressed to me at Mrs. Charletons, you have nothing to do for the future but to enclose 'em to Mr James Smith Mercht. at the same place, to whom I have wrote on the subject, and who you may be assur'd will pay for 'em and receive 'em—for to say the truth, I had never once thought of this circumstance when I desired you to address 'em to M^{rs} Charleton—M^r Morris's silence both to you and me, amazes and indeed distresses me extremely—as I am anxious to pay my debts, and even the little that you have advanc'd (in this great dearth of hard money) gives me great uneasiness—However I have again written to M^r Morris, and flatter that you will be furnish'd with a sum immediately to answer our present purposes—you seem to wish to be accommodated with a horse immediately; I fancy I forgot to inform you that the banditti of Horse stealers stripp'd me of every riding horse I had in the world, so that I have been oblig'd to half break two for my own use—and until the hot weather is over it wou'd be almost impossible to break a third—but when that is pass'd I will immediately set about it—I cou'd indeed at present ac or rather dis-accommodate you with a worn out full Brother of Rosinante—but I think you had better wait 'till you can be furnished with one

that is neither scandalous nor unserviceable—the papers you sent up have had a most powerful operation in this country—The People stare at and curse their own passive stupidity in submitting to such abominable outrages and tyranny—a dozen more wou'd be sufficient, but I cou'd wish the note were added—Now I talk of staring, I cannot help staring myself at some late resolves of Congress and several of the Assemblies—As far as They can be understood They amount to this, that They are resolv'd not to make any peace however salutary and glorious, untill their good Allies are satisfy'd which construed into plain English is that They will make no peace until France has stripp'd G. Britain of all her possessions in the W. and East Indies, in short until France has acquir'd the full Empire of the Ocean which added to her immense national strength, will enable her to give law to the whole world and amongst the rest scourge the Americans themselves whenever They grow naughty or refractory—it is notorious that the [Aurum] Gallicum, or royal French gold specifick, has had wonderful operations on public Bodies of men at different times in several parts of Europe, and there is reason to believe that it has operated with not less success on public Bodies of men on this side of the Atlantick—for it is impossible to account by any other means for so tortur'd a Construction or rather so positive an inversion as that Article betwixt America and France respecting the power of making peace I mean the only treaty presented to the eyes of the People, and if Congress have by any subsequent treaty not imparted to the People bound themselves to what is now thrown out They are the most damnable Traitors—but adieu—

C. LEE.

FROM EDWARD DORSEY.

Elk Ridge, Sept^r. 10. 1781.

SIR,

I rec^d. your Favour, dated August 25th and am much obliged to you for your good opinion of me, in Regard to the Reports made to you in Regard to our Contract. I assure you G. Lee I do intend paying you honestly for the Land purchas'd of you as soon as I can—and any Reports you should have heard to the contrary I assure you is false. I have heard G. Lee by many that you should say, you was almost confident of my forfeiting the Article & that you had rented it well & should get about £600, and your Land again. I know G. Lee you was very particular of informing yourself whether I had comply'd with the 3 first Payments, which if it had not been comply'd with the articles would have been forfeited and you would have had the advantage of availing yourself of the bond, you say no man who is not in the last state of delirium could enter into so insane a Contract. You seem to insinuate that it was the spirit of agreement if the whole was not paid in six months the Bargain was void. Now G. Lee what of Delirium must you have thought me to have been in to have given you or any man living such an advantage of my Ignorance—you know G. Lee that the mode of agreement you brought from Mr. Delany was to that purpose. But I immediately objected to it and told you I would not Lay myself under such an Article to no Man living—I assure G. Lee that I do intend the Purchase made of you for my Sons—You must be sensible that it Lays in my Power to take the advantage was it my Intention—I intend giving myself the Pleasure of weighting on you about the 5th next Month, when we may talk Matters over M^{rs} Dorsey joins me in Compliment with

Your Humble Serv^t.EDW^d. DORSEY, *son of John.*

FROM CHARLES CARROLL.

Sept^r. 25th 1781.D^a. SIR,

I have your favour of the 20th past, which refers me to yours of the 26th of last May which you think is not fully answered by mine of the 2^d of June.

The Question you put to me in yours of the 26th of May, is, whether I did not understand that in case the full payment was not made in sterling or hard money on the 10th of May you should be at liberty to sell your Land to Others.

In answer I declare upon my Honor & I would as readily declare it upon oath that I did not understand that you was to be at liberty in case the full payment was not made on the 10th of May, to sell your Land to any others.

In support of this declaration I must remind you that the first Knowledge I had of your agreement with M^r. Dorsey was from your telling me you had sold your Land to Him for two Guineas p^r. acre & that He was to pay in six months, & I remember I told you that I did not think any man in Maryland could make so great a payment in so short a time.

Soon after you & M^r. Dorsey came to me with articles in your Hand Writing which I reduc'd into what I thought a more regular form. Copies of both are inclos'd taken from the originals in M^r. Dorsey's hands. From these copies with the final agreement between you & M^r. Dorsey which you sent me, it does not appear to me that you was to be at liberty to sell your Land in case M^r. Dorsey did not make the full payment on the 10th of May. I further declare I know no more of y^{rs} & M^r Dorsey's agreement & intentions than what I have set forth & may be collected from the papers referred to. I am

D^r Sir, Y^r mo : Hum : Serv^t.

CHAS: CARROLL.

FROM MAJOR EVAN EDWARDS.

York Town

MY D^R. LEE,

There are few circumstances that gives me equal pleasure to that of hearing from my Friends, and as my esteem for you has ever increas'd in proportion to your misfortunes in the road of persecution; I am always made happy in a line from you, as it announces your present situation.

Your being rob'd of your Horses is a common evil, and consequent to a country destitute of Law—its falling harder on you than any other Person is what I should have expected from the disposition of wretches always disposed to heap coals on the head of the injur'd.

I am happy ever in having it in my power to inform you of the good esteem in which you are held in the Army—And that they are not now (whatever they have been) inclin'd to pursue the track of persecution, beaten so bare as it is, by Creatures, whose praise would be a dishonor to any honest man.

Poor Fleury the other day called me a one side to whisper to me, and after looking round him to prevent a possibility of being overheard, he ask'd me what had become of you. I could not help smiling, and in my reply telling him you were very well, and that he need not be afraid of acknowledging an acquaintance with Genl. Lee, in the most public Assembly in America—That I esteemed it an honor to call myself his Friend—that my sincere attachment to him was amply rewarded by the universal approbation of all good and sensible men. He answer'd me, he was very glad of it—it was every where known in France that you had been ill treated, and that every person lamented your misfortune.

The Surrender of Lord Cornwallis and his Army will reach you before this letter—I think this is a circumstance that must secure to America her Independence.

What will follow I leave to time. It must have been a mortifying circumstance to my Lord to have solicited terms, as no demand of a surrender was made. We had just completed our second parallel at two hundred yards from his main works.

In the capitulation he was not permitted to uncase his Colours, or to beat an American or French march—You will probably see your friend O'Hara who is a Prisoner.

We expect now to go on to Charles Town to invest that place. The moment I can obtain permission to leave the Army I will repair to your hermitage and spend some time with you—where I promise myself much satisfaction.

Untill then believe me Your affectionate and unalterable friend

E. EDWARDS.

21st October 1781.

I yesterday got a Letter from Cadwallader he desires to be particularly remembered to you.

TO MISS SIDNEY LEE.

Virginia, Dec^r ye 11th 1781.

MY DEAREST SISTER,

The last year I wrote you many letters by different hands, but God knows whether a single one has reach'd you—Your last letter made me extremely happy; or more properly doubly happy; as it assur'd me of your health and spirits, and of the reception which my Court Martial met with in England, indeed it made its own comments. I remember it was once ask'd, I think it was M^r Hinks ask'd me, when I intended to put a period to my peregrinations? My answer, was, that whenever I cou'd find a Country where power was in righteous hands—on this principle, I now find, I may be a pilgrim to all eternity. Great God, what a Dupe

and a victim have I been to the talismanic name of Liberty ! for I now have reason to believe (from the materials of the Modern World) that this bright Goddess is a Chimera—but I must not warm on this subject, but stop before I run into leze Majeste. I shall therefore confine myself to a few comfortable facts, 1^{stly} that I am much rejoiced that you are in health and spirits; 2^{ndly}, that I am well not only in these two points, but that I am sound in honour; that is to say the whole Continent cries out loudly against the iniquitous tribunals before which my affair was brought. I can now say no more; my love to all our friends and relations; and be assur'd, there is not on earth a more affectionate Brother than Yours

CHARLES LEE.

TO D. DELANY.

Dumfries Dec^r ye 17th [1781.]

DR. SIR,

I receiv'd your letter inclos'd from M^r Goddard—You ask me if Mr. Dorsey pay'd the sum to Byrd by the day prescrib'd by the agreement. He did—but M^r Dorsey knows (and if He is an honest man) must confess it that the spirit of our bargain was that unless He pay'd the whole sum on the tenth of May, 1781, the bargain was to be void—but to dwell on this subject wou'd be impertinent—as the papers I sent to Goddard (and which I conclude He has laid before you) explains the whole transaction as fully as I am able, as likewise my sense of the spirit of it—the question now is if M^r Dorsey does not pay the whole sum by the first of January, I am oblig'd to keep it for his conveniency, until He can dispose of it to better advantage—whether I am neither to sell it or rent it on refunding the sums advanc'd which do not amount to three hundred pounds sterling I have therefore only to intreat if M^r or M^{rs} Goddard have not laid aside all these

papers letters and proposals before you, that you will apply for 'em—and give your opinion on the case in a letter inclosed to M^r Graham of this place—Many good Judges think the land not worth the money, but however if you wou'd desire M^r Goddard or any other Person to communicate this opinion to M^r Dorsey and at the same time that I am willing to refund the payments made you will oblige me Colonel Corbin and Colonel Martin in particular who are generally esteem'd competent Judges of Land, are firmly of this opinion, for my own part, I shall be well satisfyed if He can make the payment good by the day prescrib'd, but I do not chuse to hold it as a Tenant at will or much worse.

Our Assembly has done one good thing to the amazement of all who know 'em. They have repealed the Tender law—My respect to your Lady and Daughter and God bless you.

C. LEE.

TO MRS. KATHERINE GODDARD.

DR. MADAM,

I have (on the supposition that your Brother may be absent) taken the liberty to address this letter inclos'd for Mr. Delaney to you I chose to send it unsealed for your perusal, for a reason you yourself will perceive—I mean the circumstance relative to the papers I sent to your Brother—it is inconceivable the desire I have to be acquainted with you—for upon my soul I love (and I ought to love) your Brother and Oswald more than any other two men on this Continent—My love of course extends to you—Adieu Madam.

C. LEE.

M^{rs} K. Goddard
Printeress at
Baltimore.

. TO BENJAMIN RUSH.

Prato Rio, Dec'r ye 19th 1781.

I have just time and paper to scribe half a sheet to you, My Dr. Rush, therefore the little I have to say I must crowd into incoherent sentences. Your letter gave me great pleasure—Our public affairs are in a horrible way. We have neither money credit nor reputation—but these considerations alarming as they are are trifling comparatively with our dearth of virtue and every quality requisite for the mode of Government adopted—Of all People on earth (I speak of the Middle States) the Americans seem to be the most destitute of republican ideas and qualifications—Not only the press is stopp'd but that degree of freedom of Conversation permitted at Constantinople, is not tolerated in Virginia Maryland or Pensylvania—the Morals of the People (perhaps from the depreciation of the Currency) are so entirely corrupted, that if two Neighbors sit together the one holds his hand on his pocket (if He has anything in it) to prevent its being pick'd by the other—in short I see no road to salvation but one, and I care not who knows my sentiments, which is to propose immediately to the British General, if He has powers to negotiate a cessation of arms by land and by sea for two three four or six years, and that during the Cessation each Party shou'd hold undisturbedly what they possess and from what I have seen of the treaties France cou'd have no grounds of complaint as a violation of Faith America wou'd have then time to look about her to examine her resources, in Men, Provision Revenue and Maritime force—but above all her fund of Virtue necessary for the plan of Government projected, that is a federation of Republicks, and if she finds herself strong enough in these requisites, the Government adopted may be adhered to—if she is deficient She may then chuse her Protector G. Britain or France

—and in the interim She may depend upon being courted by both Powers—heal her sores, and establish a credit—this I solemnly protest seems to me her best nay her only policy—I shou'd be happy to have your opinion on the subject—but as I am going down the Country you must direct to me under cover to James Hunter, Esq, near Fredericksburg—Such is my complaisance for you that I had determin'd to be a very orthodox Christian—I have read with this view the whole divine legation of Moses to the great Doctor Warburton—My choice I am afraid was injudicious, for whoever believes in him, must have an utter detestation for the God of the Jews—You see however I am open to conviction—pray recommend me to some abler Apothecary—My love to Mrs. Rush—and believe me to be most affectionately

Yours

C. LEE.

FRAGMENT.

I—A B—having the fear of God before my eyes and having a most sincere regard for the honour welfare and understandings of my fellow citizens do make this solemn confession of my sins and follies, and do most sincerely hope and pray that others my fellow Citizens may eschew the evil steps I have trod in—I confess to my shame, but with hopes that the crime will be forgiven by the infinite mercy, that instigated by the Devil (as nothing but the Devil could have supported me in so arduous a task) have read with a most astonishing perseverance the whole five volumes of B Warburton's [most damnable] as he calls it divine legation of Moses, for which having recovered my understanding I do most sincerely ask pardon of all Good Englishmen, Good Protestants Good Christians for this [most horrible mispending of my time] misprision of treason against and human understanding.

It appears My Dr Countrymen, from the writings of

this Doctor Warburton that he is an exceeding wicked man—that he holds two principles—that he is a Manichean—which is no less than putting the Devil on the same footing with God Almighty—for instance, what God orders on one hand the Devil unorders on the other hand—but his reprobatism goes still further, He has attempted to prove (but I pray God and am in hopes from the absurdity of his arguments) that his intention will be defeated—He has attempted to prove that Moses on whose authority our holy religion is originally established and who was admitted to *tete a tete* conversation with God Almighty — was either ignorant or affected to be ignorant of this most important point the immortality of the Soul, for it must, my Dr. Human creatures be allowed that Moses was acquainted with this fact * * *

FROM D. DELANY TO WILLIAM GODDARD.

Thursday Morning.

SIR,

On perusing the articles between General Lee & Mess^{rs} Dorsey, I observe that they agreed to pay to M^r Byrd £250 or £260 in Continental Money at the Exchange at the time of Payment to you, on or before the 1st of Dec^r 1780 £55—or £60, in hard Cash, or Paper Money at the Exchange at your choice, to G. Lee on the signing the Articles £60.—if M^r Byrd should object to the Mode of Payment, or make no application for it on or before the 20th December 1780, then the Payment to be made to M^r Carroll on or before the 10th Jan^y 1781.—then follows the Article, that if the above Payments be not made on or before the 10th Jany. 1781, then Genl. Lee may sell the Land to any other Person, and Mess^{rs} Dorsey to forfeit the Money paid by them on or before the 10th Jany. 1781.—it being the material Part of the Case to be considered, I

shou'd be glad you wou'd inform me, if you can, whether the Payments above referred to, were made according to Agreement, or if not, whether they have been made since, & accepted?

Mr Dorsey mentions in his Letter to Gen. Lee Sept^r 10. 1781. that he objected to what I had recommended to Genl. Lee, from which it is to be inferred that the agreement was framed for the Purpose of avoiding what otherwise might have been the Consequence, if not strictly performed—if you can give me any Information on this Matter, be pleased to communicate it to me.

I am Sir, your humble Serv^t

Mr G[oddard.] D. D[ELANY.]

POWER OF ATTORNEY.

Know all Men by these Presents that Whereas I the Subscriber Charles Lee of Berkley County in Virginia by articles of Agreement bearing date the tenth day of November one thousand seven hundred and eighty in consideration of certain covenants and payments to be thereby performed and made to me by Edward Dorsey son of John of Ann Arundel County in Maryland and Ezekiel John Dorsey of Baltimore County covenanted and agreed to convey to the said Edward and Ezekiel John Dorsey their heirs and assigns an indefeasible estate in fee simple with general warranty of in and to that tract of Land called Hopewell in Berkley County in Virginia by me purchased of Jacob Hite deceased and the said Edward and Ezekiel John Dorsey agreed to pay unto me two Guineas per acre in hard cash for two thousand six hundred acres more or less part of the said Land and five shillings sterling per acre for the residue being one hundred and fifty acres of the said Land in the manner and at the time hereinafter mentioned (to wit) To pay to William Byrd two hundred and fifty or not exceeding two hundred and sixty pounds

sterling in continental money at the exchange at the time of payment To pay William Goddard on or before the first day of December one thousand seven hundred and eighty five or sixty pounds in hard Cash or paper money at the exchange at the choice of the said William Goddard. To pay me at or before the signing of the said articles sixty pounds Maryland money in hard cash and the remaining sum at the expiration of six months from the date of the said articles as will more fully appear by their bonds to me of the same date, and if the said William Byrd shall object to the mode of payment or make no application for it on or before the twentieth day of December one thousand seven hundred and eighty then the said Edward and Ezekiel John Dorsey agreed to pay the same into the hands of Charles Carroll, Esq^r. in hard Cash on or before the tenth day of January one thousand seven hundred and eighty one for my use And in case of the said Edward and Ezekiel John Dorsey should not make the three first mentioned payments on or before the said tenth day of January then that I the Subscriber might sell to any other person the aforesaid tract of Land and the said Edward and Ezekiel John Dorsey to forfeit any money by them paid on or before the said tenth day of January and that the possession should be given and the land conveyed to the said Edward and Ezekiel John Dorsey on their payment of the purchase money as will more fully appear by the bonds passed on the day of the date of the said Articles for all and every the particulars hereinbefore recited the Subscriber for greater certainty doth hereby refer to the said articles, and whereas the said Edward and Ezekiel John Dorsey by their own bond or obligation bearing date also the tenth day of November one thousand seven hundred and eighty were bound in the penalty ten thousand nine hundred and ninety five pounds Sterling unto me the Subscriber on the condition that the full and just value of five thousand four hundred and ninety seven pounds ten shillings sterling should be paid on or before the tenth day of May one

thousand seven hundred and eighty one according to the Articles above recited and referred to as by reference to the said Bond or obligation may more fully and at large appear, And Whereas the aforesaid Edward and Ezekiel John Dorsey have not executed or performed what on their part ought in pursuance of the agreement aforesaid to have been by them executed and performed. And Whereas notwithstanding the great alteration of circumstances since the time thereby appointed and limited and the loss and disadvantage which I have suffered and sustained for their non performance of the aforesaid agreement within the time and in the manner directed and required by the terms of our contract Nevertheless with the intent and for the purpose of preventing and avoiding any dispute controversy or litigation which might otherwise happen I the Subscriber do by these presents authorize constitute and appoint William Goddard of Baltimore County in Maryland Esq^r. and Katherine Goddard his sister of the said County my joint and separate Attornies for me and in my name and on my behalf jointly or separately to call upon require and demand of the aforesaid Edward and Ezekiel John Dorsey to make a full payment to my said Attornies or either of them on my behalf of the principal sum remaining still due unto me with Interest thereon from the time when the same according to the terms of their Contract above referred to ought to have been paid and to give them the said Edward and Ezekiel John Dorsey notice that in case the said payment be not made within Eighty days from the demand thereof the same will not be accepted or received by me or on my behalf at any time thereafter but in case the said payment shall be made according to the demand aforesaid then and in such case I do hereby further authorize and appoint my said Attornies jointly or separately for me and in my name to convey the aforesaid tract of Land called Hopewell in the Articles above recited mentioned to the aforesaid Edward and Ezekiel John Dorsey their heirs and assigns with such warranty

and in such manner and to such intent and purpose as in the said Articles I covenanted and agreed with them to convey the same and in case that the payment aforesaid to be demanded as aforesaid be refused or neglected to be made by the said Edward and Ezekiel John Dorsey after demand thereof and within the time above appointed and limited then and in such case I do by these presents authorize and appoint my said Attorneys in my name and on my behalf to offer to the said Edward and Ezekiel John Dorsey to repay them such sum and sums of money as they have heretofore paid in pursuance of their agreement aforesaid and have been received on my account or to my use with legal interest on such sum or sums as aforesaid paid by them from the time of their payment thereof On the following condition nevertheless (to wit) that they fully and absolutely discharge me and the land aforesaid from all and every claim and demand whatsoever respecting the Articles above recited and that they deliver up the same to be cancelled and destroyed. In Witness whereof I have hereunto affixed my hand and seal this twenty first day of December in the year one thousand seven hundred and eighty one.

CHARLES LEE. SEAL.

Signed sealed and delivered in the presence of

WILLIAM CARR.

RICHARD GRAHAM.

Commonwealth of Virginia: Prince William County, Sc^t.

I Robert Graham Clerk of the Court of the said County do hereby certifie that William Carr and Richard Graham, Gentlemen who have subscribed this Letter of Attorney from Charles Lee Esq. to William Goddard Esq and Katherine Goddard his Sister as Witnesses to the same were at the time and still are Justices of the Peace for the County aforesaid And further that full faith and credit is and ought to be given to such their signing in Justice Court and thereout In Testimoney

whereof I have hereunto affixed the seal of the said County this twenty first day of November one thousand seven hundred and eighty one.

.....
[SEAL.]
.....

ROBERT GRAHAM *Co. Clk.*

LETTER OF ATTORNEYS.

Baltimore Janu^y 8th 1782.

MESS^{rs}. EDWARD AND EZEKIEL JOHN DORSEY,

We write this Letter to inform you, that we have received a Power of Attorney from Charles Lee of Berkley County in Virginia, and that you may be fully acquainted with the nature & Purport of the said Power, we inclose herein an exact copy thereof, and the original in our possession (in virtue whereof we have agreed to act) shall be produced & shewn to you or either of you or any other person or persons you may appoint when required. Under & in pursuance of the said Power, we as the joint attornies of the said Charles Lee for him & in his Name & on his behalf, do hereby call upon require & Demand of you to make full payment unto us, on the behalf of the said Charles Lee of the principal Sum remaining still due to him with Interest thereon from the time when the same according to the Terms of your Contract referr'd to in the said Power of Attorney, ought to have been paid, and we hereby in pursuance of the said power expressly give you notice that in case the said payment be not made, within Eighty Days from the time of this demand thereof, the same will not be accepted or received by the said Charles Lee or on his behalf at any time thereafter. But in case the said payment shall be made according to the said Demand, then & in such case we, as the Attornies of the said Charles Lee, for him and in his name will convey the Tract of Land called Hopewell mentioned in the said Power of Attorney unto you, your Heirs and

Assigns with such Warranty and in manner & to such intent & purpose as the said Charles Lee agreed with you to convey the same And in case the payment demanded as aforesaid be refus'd or neglected to be made by you according to the Demand aforesaid and within the time above appointed & limited, then & in such case, We, as the Attornies of the said Charles Lee, in his Name & on his behalf, offer to you, to Repay you such sum & sums of Money as you have heretofore paid in pursuance of your Agreement with the said Charles Lee, and have been receiv'd on his account or to his use, with legal Interest thereon from the time of your payment thereof, on the following condition (to wit) that you fully & absolutely Discharge the said Charles Lee and the Land aforesaid from all and every claim & Demand whatsoever respecting the Articles of Agreement refer'd to in the said Power of Attorney, and that you deliver up the said Articles to be cancell'd & Destroy'd.

Having undertaken to act on the behalf of the said Charles Lee as his Attornies under the Power above refer'd to, We hereby give you Notice that we are, and shall be ready & willing to Execute and Perform on the behalf of the said Charles Lee, all & every part of the Power & Authority by him Confer'd on us according to the true Intent & Meaning of the aforesaid Appointment, and do hereby request that you will fully & Explicitly without delay give us Notice what you on due consideration shall, or may require of us in our Capacity, as the Attornies of the said Charles Lee, to do, execute or perform on his behalf in pursuance of the Power above refered to, We, on our part being willing & desirous faithfully to execute the said Power according the true Intent & meaning thereof.

Your speedy answer to this Letter we request.

WILLIAM GODDARD,

KATHERINE GODDARD,

*Attornies of Charles Lee of
Berkley County Virginia.*

Memorandum.—On the 8th Inst. I deliver'd a Letter of w^{ch} the within is a true copy to Edward Dorsey one of the parties to whom the said Letter is addressed, enclosing an exact Copy of the Power of Attorney from Charles Lee of Berkley County Virginia to William & Katherine Goddard of Baltimore therein mentioned, who promis'd to give the said Attornies a full & Explicit answer in a few days.

On the 10th Inst. Ezekiel John Dorsey the other of the parties to whom the said Letter is address'd, acknowledg'd that he had seen the said Papers and that he in concert with his father Edward Dorsey, would give an answer to the said Attornies as soon as possible.

PAT. CRAWLEY.

Baltimore, Janu^y 11th 1782.

ROBERT MORRIS TO MR. & MISS GODDARD.

Philad^a March 4. 1782.

SIR AND MADAM—

On your Representing to me as Attornies of Gen. Charles Lee of Virginia the disagreeable circumstances in which he is Involved by certain Articles of Agreement In writing between him the said Charles Lee & Edward & Ezekiel John Dorsey of Baltimore, and that from these Embarrassments he may be relieved by Repaying to the said Mess^{rs} Dorsey the amount advanced by them on account of the said Contract—being very desirous in this Instance to serve oblige and accommodate Genl Lee I have agreed and do hereby agree to authorize you to draw on me one Sett of Exchange in favour of the said Dorseys payable ten days after sight for the Sum of One hundred and sixty six Pounds 12/6 this Currency in Specie or Such part thereof as may be needfull—And also to draw one other Sett of Bills of Exchange on me in favour of Wm. Bird, Esq. of Alexandria in Virginia for the Sum

of Four hundred and one Pounds this currency in specie or any part of the same—payable at three four or six months after sight—Provided always that on such drafts being by you Passed on me the said Genl. Lee be truly and Effectually exonerated discharged and Released from the aforesaid Articles of Agreement subsisting between him & the said Dorseys for the Sale of a Tract of Land called Hopewell—situate in Berkely County in the State of Virginia—agreeable to Promise of the said Dorseys to you as Attornies to the said Lee.

I am, Sir and Madam,
Your obedt. hble Serv^t

ROB^T MORRIS.

To M^r Wm Goddard & M^{rs} Catherine Goddard
Attorneys to Genl Chas. Lee of Virginia.

WILLIAM GODDARD TO ROBERT MORRIS.

SIR,

I have the satisfaction to acquaint [you] that I have this Day brought Genl. Lee's Business to a happy Conclusion, Mess^{rs} Dorseys having given up & delivered to my Sister & me, as Attornies to Gen^l Lee, the articles of Agreement executed by him for the Conveyance of certain Lands in Berkley County, Virginia, for the Purpose of vacating the said Agreem^t & cancelling the said Articles, as will more clearly appear by a Perusal of the enclosed Papers which is a true Copy of a writing executed by Mess^{rs} Dorseys, now in my possession. Thus Sir, thro' your generous and seasonable Assistance, I have been able truly & effectually to exonerate discharge and release Gen. Lee from the embarrassing Articles of agreement subsisting between him and Mess^{rs} Dorseys for the sale of a Tract of Land called Hopewell, which, by all acc^t is worth near double the sum the Dorseys were to have paid; a circumstance I shall

fully represent to the General, as well as communicate to him what you were pleased to mention to me when I had the Honour of an Interview with you. In Consequence of this Settlement, & by virtue of the Power you have given to my Sister & me, we have drawn upon you in favor of Mess^{rs} Clark & Manwaring for £166, in two Bills (one for £97. 5. & the other for £68. 15.) payable 10 days after sight—these Gentlemen having furnished the Money necessary for producing the Consequences which have taken Place. Flattering myself that the Explanation I have given will be satisfactory to you; I shall trouble you no farther than to add that I am with great Respect

Your most Obedt Serv^t

W. GODDARD.

Hon. Rob^t Morris.

BOND.

Know all men by these Presents that I General Charles Lee, of Berkley County & Province of Virginia am held and firmly Bound unto Edward Dorsey son of John of Ann Arundel County, and Ezekiel John Dorsey of Baltimore County Both of the Province of Maryland in the full and just sum of ten thousand nine hundred & ninety five pounds sterling money to be paid unto the said Edward & Ezekiel John Dorsey their Certain Attorney Heirs Executors Administrators or assigns to the which payment well and truly to be made and Done I bind myself My heirs Executors Administrators and Every of them firmly By these Presents sealed with my seal and dated this tenth day of November one thousand seven hundred and Eighty.

The Condition of the above Obligation is such, that if the above Bound General Charles Lee his heirs Executors or any of them Do make over unto said Edward & Ezekiel John By Good and Sufficient Deed of General Warrantee Clear of all Incumbrances A Certain

tract or Parcel of Land Called Hopewell Lying and Being in Berkley County & Province of Virginia Containing and Laid out for two thousand seven hundred & fifty acres of Land more or less on the Payment of their Bond Given to General Lee for five thousand four hundred and ninety seven pounds ten Shillings Sterling money as will more fully appear by Articles of Agreement Mutually entered into by the parties above Mentioned then the Above Obligation to be void Else to Remain in full force and virtue in Law.

CHARLES LEE. [SEAL.]

Signed Sealed and Delivered in Presence of

JOSHUA BROWN

WILLIAM FROST

RACHEL DORSEY

Rec^d November 10th 1780. of Edward Dorsey Son of John the Sum of sixty pounds two shillings and six pence in gold and silver in part of the within Bond Equal to Thirty six pounds one Shilling & Six pence Sterling money

CHARLES LEE.

£36: 1: 6: stg.

Endorsed: G. Charles Lee. Bond to Ed. and Ezekiel John Dorsey for the Conveyance of his Estate in Berkley County, Virginia. [Gen^l Lee's Interest being in Jeopardy, and he liable to be paid in depreciated Paper for a sterling debt, his *Berkley Estate* was snatched like a Brand out of the Burning by the Exertions of W^m Goddard.]

DRAFT OF MEMORANDUM, ETC.

We the Subscribers E. D. & E. J. D. having agreed to and with W. & M. K. G. attornies of & for C. L. of Virginia—in consideration of their Bill on R. M. Esq^r. of Philadelphia payable to us or order for the sum of ———n. (if any money paid by the attornies then add —and of the sum of ——— to us paid) and of their hav-

ing passed their Bond to us of this Date to indemnify us against all Claims & Demands on a Bond passed by us to W. B. for the principal Sum of ——— to give & deliver unto the said Attornies the articles of Agreement executed by the said C. L. for the Conveyances of certain Lands in B. County in Virg^a. unto us & our Heirs in order & for the purpose that the said Articles may be cancelled. Now by this writing signed by us this Day of 1782 we acknowledge that we have accordingly given up & delivered to the said Attornies the articles aforesaid for the purpose of vacating the said Agreement and cancelling the said Articles.

E. D.

E. J. D.

Witness——

N. B. If they shou'd object to the above form a short note signifying that the Articles are given up will be sufficient.

Whereas the af^d. E. & E. J. Dorsey by their Bond or Obligation bound themselves & each of them to pay to Mr. W^m. Bird the principal sum of

Now the Condition of the above Obligation is such that in case the above bounden W. & M. K. G. or either of them shall or do deliver up unto the said E. & E. J. Dorsey or either of them the Bond aforesaid to the said W. B. & wholly and fully Indemnify, save harmless and discharge the said E. & E. J. Dorsey, and each of them their & each of their Heirs Executors & Administrators against all Claims & Demands whatsoever on or on Account of the af^d. Bond to the said W. B. then the above Obligation to be void else to remain in full force & virtue.

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 574. WILLIAM DOWD, "
 575. DAVID L. BAKER, "
 576. JOHN G. SHEA, "
 577. CLARKSON N. POTTER, "
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 581. JAMES W. GERAUD, "
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 592. GEORGE GRISWOLD, "
 593. O. D. MUNN, "
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 595. WILLIAM H. LEE, "
 596. H. P. CROZIER, "
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 598. JACKSON S. SCHULTZ, "
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 600. JOHN CARTER BROWN, 2d, *Providence, R. I.*
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 603. GEORGE W. HALL, "
 604. J. T. LEAVITT, "
 605. JOSEPH HOWLAND, *Mattawan.*
 606. JOHN W. MUNRO, *N. Y. City.*
 607. PARKER HANDY, "
 608. SAME, "

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 610. GEORGE GRISWOLD, "
 611. WILLARD PARKER, "
 612. ALEX'R W. BRADFORD, "
 613. BENJAMIN L. BENSON, "
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 615. A. B. KELLOGG, "
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 622. LOUIS DE V. WILDER, "
 623. WILLIAM E. BIRD, "
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 627. CHARLES A. MEIGS, "
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 629. JOSEPH F. JOY, "
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 631. HORACE W. FULLER, "
 632. WILLIAM H. POST, "
 633. EDWARD D. BUTLER, "
 634. HENRY B. DAWSON, *Morrisania.*
 635. ALMON W. GRISWOLD, *N. Y. City.*
 636. S. TOWNSEND CANNON, "
 637. THEODORE M. BARNES, "
 638. JOEL MUNSSELL, *Albany.*
 639. SAME, "
 640. THOMAS A. BISHOP, *N. Y. City*
 641. SAME, "
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 643. J. L. LEONARD, *Louville.*
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 685. SAME, "
 686. SAMUEL COULTER, "
 687. RALPH CLARK, "
 688. THOMAS F. DE VOR, "
 689. JOHN GROSHON, "
 690. S. L. BOARDMAN, *Augusta, Me.*
 691. CHARLES J. FOLSOM, *N. Y. City.*
 692. GEORGE FOLSOM, "

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 716. JOHN FITCH, *N. Y. City.*
 717. SAME, "
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 729. HENRY NICOLL, "
 730. GEORGE E. MOORE, "

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731.	JOHN F. TROW, <i>N. Y. City.</i>	743.	GEORGE H. MOORE, <i>N. Y. City</i>
732.	SAME, “	744.	SAME, “
733.	SAME, “	745.	SAME, “
734.	SAME, “	746.	SAME, “
735.	SAME, “	747.	SAME, “
736.	SAME, “	748.	SAME, “
737.	SAME, “	749.	SAME, “
738.	SAME, “	750.	SAME, “
739.	SAME, “	751.	WILLIAM J. HOPPIN, “
740.	SAME, “	752.	JAMES W. BERKMAN, “
741.	GEORGE H. MOORE, “	753.	JOSEPH F. LOUBAT, “
742.	SAME, “	754.	CARLISLE NORWOOD, JR., “

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41.	JAMES A. ROOSEVELT, <i>N. Y. City.</i>	470.	WILLIAM BOLLES HALSEY, <i>N. Y. City.</i>
43.	MRS. SARAH D. THOMPSON, “	502.	THE PUBLIC LIBRARY, <i>Cincinnati, Ohio.</i>
84.	EDWARD A. WALTON, “	508.	JOSEPH SABIN, <i>N. Y. City.</i>
90.	ASHER R. MORGAN, “	512.	SAME, “
111.	J. K. WIGGIN, <i>Boston, Mass.</i>	532.	NATHAN B. WALKER, “
150.	GEORGE H. PEEKE, <i>Jersey City, N. J.</i>	643.	THE TRUSTEES OF THE LOWVILLE ACADEMY.
167.	JOHN H. THOMPSON, <i>N. Y. City.</i>	670.	WM. P. PRENTICE, <i>N. Y. City.</i>
174.	LUCIE P. BENEDICT, “	684.	EDWARD C. WILDER, “
187.	J. K. WIGGIN, <i>Boston, Mass.</i>	685.	C. V. B. OSTRANDER, “
284.	SAMUEL C. BLACKWELL, <i>Somerville, N. J.</i>	714.	JOHN EVERITT, “
305.	FRED'K THOMPSON, <i>N. Y. City.</i>	716.	JAMES M. HUNT, “
321.	SAMUEL Y. CLARK, “	719.	HAVERFORD COLLEGE LIBRARY, <i>Haverford College, Pa.</i>
351.	THOMAS H. MONTGOMERY, “	723.	HENRY H. THOMPSON, <i>N. Y. City.</i>
358.	ROBERT S. MILLER, “	727.	DAVID G. FRANCIS, “
426.	EVERETT P. WHEELER, “		
450.	EUGENE H. LECOUR, “		

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